



December 5, 2008

ATIS

Attn: Jean Paul Emard
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Washington DC 20005
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jpemard@atis.org

Subject: Unavailability of modem user manual statements

Dear Mr. Emard,

I am following up with previous comments I made to you on this matter via telephone and email, providing a more complete written summary of the matter for your consideration.

1. Problem Statement

Required user manual statements for an ACTA registered Motorola modem (ML3054) were unavailable first from Motorola's authorized manufacturer, CastleNet, then from Motorola themselves. Several months after my 1st request on Aug. 14th to CastleNet for the mandatory user manual statements did Motorola provide these mandatory statements to CastleNet, who then proceeded to forward on to me on Nov. 18th. As there were grammar and punctuation corrections required, I still have not received a final version of the modem user guide with mandatory user statements per your ACTA Customer Information document dated July 2003.

I do not believe this problem to be isolated to Motorola alone, which is why I am escalating this matter to the ATIS executive board for your attention to this matter.

2. Background

Intel works to enable worldwide computer penetration down to tier 3 & 4 local OEMs (LOEMs) and system integrators. We see these small concerns do not have existing modem user

manual “boilerplate” documentation complete with mandatory user statements as specified in the ACTA Customer Information document. These LOEMs need this information to be passed along to them from supply chain, the modem manufacturer or distributor. It is not Intel’s place to provide this information, we have only been a party to this as we are working with the supply chain to develop these tier 3 & 4 LOEMs. It was in our efforts working with the supply chain where we encountered what we believe to be a structural deficiency in the delivery of these mandatory user manual statements, for which the obligation to provide such statements originates with the modem certifier, Motorola in this case, and then extends to their authorized factory, Castlenet.

3. Comparisons with other U.S. regulatory agencies

The FCC themselves (for which ATIS/ACTA) is now a proxy wrt Part 68 compliance, requires as stated in their FCC equipment authorization ‘grants’ for wireless devices, the following:

The final product operating with this transmitter must include operating instructions and applicable warnings for end-users and installers to satisfy RF exposure compliance requirements. OEM integrators must be informed of these specific requirements. This Grant is valid only when the device is sold to OEM integrators and the OEM integrators are instructed to ensure that the end user has no manual instructions to remove or install the device.

And the CPSC, in their new Consumer Product Safety Act (16CFR Part 1110) states:

Section 14(g)(3) of the CPSA as added by section 102(b) of the CPSIA requires that the certificates required by section 14(a) of the CPSA “accompany” each product or shipment of products subject to the certification requirements and be “furnished” to each distributor or retailer of the product.

The ACTA Customer Information document of July 2003 contains no such provision or obligation for the conveyance of mandatory statements to the user.

4. Recommendation

In the interest of protecting the little guy (as has always been the American way, at least in the movies, today I’m not so sure), as tier 3 & 4 LOEMs may have little knowledge concerning ACTA and modem compliance requirements, the burden for conveyance of mandatory user statements should rest with the party originally certifying (registering) the modem as an explicit precondition for ACTA registration.

5. Cost

I do not see any incremental costs or cost adder concern as these statements are boilerplate and can easily be conveyed electronically or posted on an accessible web site.

Thank you for your consideration of this matter. Should you so desire, I am willing to present this matter to the ATIS board for for the board's consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Slowik". The signature is fluid and cursive, with a large loop at the end.

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