



September 16, 2019

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Ave, NW
Washington, DC 20580

Re: Nixing the Fix Workshop, FTC Docket No. FTC-2019-0013

The Telecommunications Industry Association (“TIA”) hereby submits these comments in response to the Federal Trade Commission’s (“FTC”) open docket for comments in relation to its July 16, 2019 workshop examining third-party repairs of consumer products. TIA is the leading trade association for the information and communications technology (“ICT”) industry, representing companies that manufacture or supply the products and services used in global communications across all technology platforms. As the leading suppliers and manufacturers of ICT devices, TIA members have a vested interest not only in the design and sale of devices but also in ensuring that their products meet high quality standards throughout the device’s lifecycle. In order to maintain this quality, TIA members offer a variety of options within established repair networks that are available to customers when a repair or replacement becomes necessary.

On behalf of our members, TIA welcomes this opportunity to comment on the record as part of the FTC’s workshop on device repair networks. Contrary to the workshop’s title, “Nixing the Fix,” our members pride themselves on having created established repair networks that are widely available and beneficial to customers while ensuring devices maintain the level of safety and quality that our members are known for.

Repair Networks are Widely Available and Benefit the Consumer

As has been noted by other commenters, customers enjoy a broad variety of options when a repair or refurbishment is necessary. The majority of manufacturers provide numerous procedures for repairing a device with their company, for example by sending the device through the mail, bringing the device to a manufacturer’s authorized service location, or when necessary sending a technician to a customer’s home. Authorized service locations may be independent from the manufacturer and authorized via contracts that establish requirements for shop equipment, training, and certifications in order to ensure the quality of their services and value to consumers. Finally, consumers may also choose to use one of many non-affiliated independent repair service providers and forgo the quality assurance provided by utilizing a manufacturer’s authorized repair network.

Investments from manufacturers into their authorized repair networks and maintaining an affiliated repair service network, provide value and quality assurance to consumers when their



product is under warranty or after the warranty has expired. Manufacturers continue to make investments into repair networks in order to ensure customers have access to repair services that meet a manufacturer's threshold level with regards to quality and safety. The driving initiative behind establishing these investments is maintaining a repair network that ensures a customer's satisfaction with their device throughout the device's lifecycle.

Manufacturers have Legitimate Safety and Business Interests for Establishing Repair Networks

Manufacturers have legitimate interests in establishing requirements for product repair and facilitating a robust repair network. Paramount among these is ensuring customer safety. Devices connected to the Internet of Things offer consumers a broad range of benefits, but part of the nature of connected devices is a potential risk to a consumer's privacy. Through repair networks and authorized affiliates, manufacturers help protect consumer privacy and data security by limiting the ability of employees to access customer data and by contractually prohibiting the use of customer data for any purpose outside of product repair. By limiting the access and use of customer data, established repair networks help ensure that customer privacy remains un infringed.

Service of complex devices by untrained professionals also poses a safety risk to consumers. Manufacturers require repair personnel within their authorized repair networks to demonstrate that they have the requisite skill for repairing highly complex technological devices. For example, as the Rechargeable Battery Association discussed in their filing in this docket, it is particularly important that products containing high-energy lithium ion batteries are repaired only by a trained professional. These batteries utilize very specific safety mechanisms to ensure that internal temperatures remain within a safe range, and service by an untrained professional without the knowledge of these specific safeguards increases the risk that they become compromised. Similarly, most telecommunication devices must pass multiple levels of government certifications to ensure the device is compliant with radiofrequency exposure levels established by the Federal Communications Commission ("FCC"). Repair technicians must be appropriately trained when dealing with complex components such as antennas, as any damage to these components during a repair could result in a change to the exposure levels, resulting in bringing the device out of compliance with FCC regulations.¹

Finally, manufacturers have a business interest in ensuring that their intellectual property is protected. Manufacturers make significant investments in the development of software, products and services, and any requirement for manufacturers to provide this information to non-

¹ Additionally, repair by untrained professionals could result in a device being out of compliance with FCC regulations that require manufacturers to prevent the tampering of equipment. *See eg.* Unlicensed National Infrastructure Devices in the 5 GHz Band, FCC 14-30 (2014) (requiring all U-NII devices to contain security features to protect against the modification of software by unauthorized parties).



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affiliated independent repair shops increases the likelihood of trade secrets becoming public knowledge.

TIA supports the FTC's attention to this issue and appreciates this and any future opportunity to provide our input on "repair restrictions" in the future.

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