



A GATEWELL GROUP BRIEFING · AUGUST 2026

The Conditional Approval Playbook

US market access for foreign-produced connected hardware
after the July 28 Order

For manufacturers of power inverters, robotic devices, routers, and unmanned systems produced outside the United States — and for the US importers, distributors, and project developers who depend on them.

Gatewell Group · Los Angeles, California · inquiries@gatewellgroup.com · +1 (213) 558-2221 · gatewellgroup.com

Gatewell Group is a regulatory consultancy, not a law firm, and this briefing is not legal advice. Regulatory facts herein were verified against FCC sources as of August 19, 2026; this regime changes frequently — confirm current requirements before acting.

SECTION 1

What happened on July 28 — and why it is bigger than it looks

On July 28, 2026, the Federal Communications Commission added two categories of foreign-produced equipment to its Covered List: power inverters — the electronics at the heart of home solar and battery storage — and advanced robotic devices, from robotic vacuums and pool cleaners to autonomous mowers. As modified on August 20, 2026 (DA 26-870), the inverter definition reaches only utility-interactive inverters — units that convert DC to AC for operation in parallel with the electric utility, as defined in UL 1741 §§ 2.1.23 and 2.1.52 — that also carry, or are built to accept, a remote-communication component. An off-grid unit that cannot connect to the utility grid is outside it, but coverage attaches to what a unit is configured to accept: an inverter shipped with an empty communications slot is in. Which units qualify is a question to answer per product line, not per category. The mechanism is blunt: equipment on the Covered List cannot obtain FCC equipment authorization, and equipment that cannot be authorized cannot lawfully be imported or marketed in the United States.

New models are frozen out immediately. Models that already hold FCC authorization remain sellable — for now. That word is doing heavy lifting:

Grandfathering is a wasting asset. A June 26, 2026 Public Notice already prohibits importation and marketing of previously-authorized equipment from earlier Covered List entries under 47 CFR § 2.939(e). On July 17, 2026, the bureaus proposed the same treatment for previously-authorized drones and section 1709 equipment of nine named entities — identified down to individual FCC IDs (PS Docket 26-184). On July 21, they proposed it for an entire category: any previously-authorized foreign drone meeting "military-grade" criteria (PS Docket 26-189). The escalation ran legacy entries, then named companies, then whole categories — and it has kept moving: on August 10 a tenth named entity was added to the docket, and on August 11 the Commission went past limiting commerce altogether, revoking a grantee's two equipment authorizations outright for a false covered-equipment attestation (Order of Revocation DA 26-839), effective the day the order issued. The precedent for withdrawing the market from yesterday's authorizations exists and is in use.

The July 21 proposal deserves a closer look than its drone framing invites, because of the criteria it draws. It would halt importation and marketing of drones the Commission itself authorized, on the basis of capabilities including thermal imaging and LiDAR — inspection cameras and obstacle

avoidance. Ordinary features, ordinary when approved, reclassified afterward as grounds for removal from the market.

That is the fact most planning assumptions get wrong. Waiting is treated as the cautious option, on the theory that its cost is zero and the risk runs one way — that new rules might arrive and constrain future products. The dockets say otherwise. **The rules can move against the person waiting, retroactively.** The position being protected by waiting is itself subject to reconsideration, and a decision made in Washington can reach backward into inventory already built, bought, specified, or financed.

Two further details sharpen it. The July 21 proposal expressly carves out equipment holding a Conditional Approval — so on this precedent an approval is not merely the door to authorizing a new model, but what keeps an already-authorized model marketable when a retroactive prohibition lands. And previously-authorized inverters and robotic devices are frozen on the side that matters. Covered equipment is excluded from the Commission's permissive-change procedures, so a previously-authorized covered device cannot take a hardware change at all. The Office of Engineering and Technology waived that prohibition on July 28, but only for software and firmware updates that mitigate consumer harm — vulnerability patches, operating-system compatibility — currently at least until January 1, 2029. Hardware was not restored — the five hardware waivers granted so far are all party-specific router orders, none reaching inverters or robotics. The first component that reaches end-of-life and forces a hardware revision ends that SKU, because its replacement cannot be authorized.

So the runway shortens on two clocks — one the Commission controls, one the bill of materials controls. For a manufacturer whose US revenue depends on next year's model cycle, "my current SKUs are grandfathered" is a stay of execution, not a strategy.

The June 26 prohibition is in force; the July 17, July 21, and August 10 actions are public notices seeking comment — proposals, not rules — and none has been proposed for power inverters or advanced robotic devices as of this writing. The August 11 Order of Revocation is final agency action on separate grounds (a false covered-equipment attestation under 47 CFR § 2.939(d)). All are cited here as precedent and direction rather than as law governing those categories.

SECTION 2

The precedent: how drones and routers played out

Neither category was first. Foreign-produced drones were listed in December 2025; foreign-produced routers followed in March 2026. Their timelines are the best available forecast for what inverter and robotics manufacturers face:

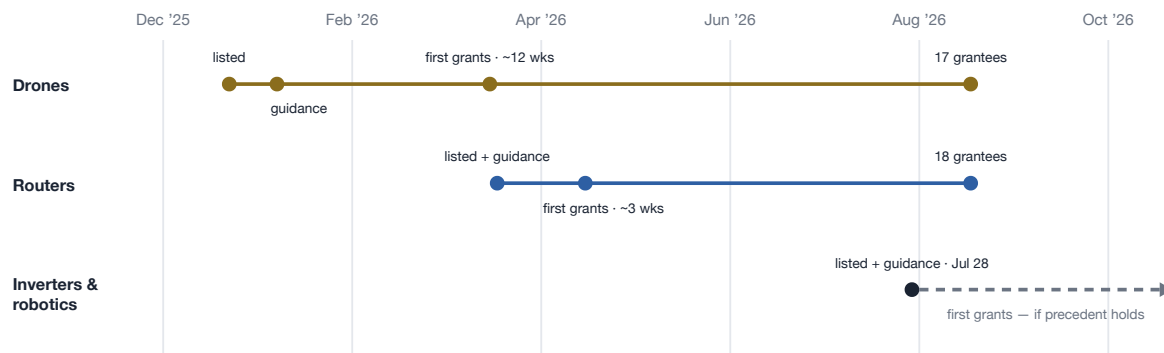


Fig. 1 — Listing-to-grant timelines, December 2025 – August 2026, with the forecast window for the July 28 categories. Source: FCC Conditional Approvals register, as of August 15, 2026.

Milestone	Drones (UAS)	Routers
Added to Covered List	Dec 22, 2025	Mar 23, 2026
Guidance document published	Jan 7, 2026	Mar 20, 2026
First Conditional Approvals	Mar 17–18, 2026 (~12 weeks)	Apr 14, 2026 (~3 weeks)
Register as of August 15, 2026	17 grantees	18 grantees / 20 grant actions
Grant terms	Indefinite — conditioned on onshoring-plan compliance	Fixed terminations, ~18 months out

Three patterns from those registers matter to anyone filing now:

1. **Approvals arrive in batches every one to two weeks.** Eighteen grant-announcement dates in roughly twenty-two weeks. The process is alive and moving — this is a queue worth joining, and a backlog is the predictable consequence of a new category opening.
2. **Product-family and class grants are established practice.** Applicants have gone from single-model grants to family grants to entire class grants covering a product line. Scoping the application well is worth real money — a family grant amortizes one filing across a catalog.
3. **Onshoring commitments have become the price of permanence.** A July 21, 2026 determination converted drone approvals from fixed expirations to indefinite duration — explicitly conditioned on compliance with the onshoring plan in each application. The US manufacturing plan is not decoration; it is the renewal mechanism.

SECTION 3

The four doors

A foreign manufacturer of newly covered equipment has exactly four options.

DOOR 1

Ride out grandfathering

Keep selling authorized models and defer the decision. It appears to cost nothing today, which is the trap: it surrenders the model cycle, and it is the one door that can be closed from the outside while you stand in it. The clawback precedent reaches backward, and the permissive-change limits mean a single end-of-life component can end a SKU without any further Commission action. Rational only as a bridge while one of the next two doors is being opened — and only if someone is actually opening one.

DOOR 2

Conditional Approval

The regime's built-in exception. An application to the FCC — reviewed by the Department of War for robotics, DoW or the Department of Homeland Security for inverters — that discloses corporate structure, foreign ownership, and supply chain, and commits to a credible US manufacturing plan. An approval is not itself an authorization — it exempts the device from the Covered List, restoring its path to one through a TCB. Grants publish in batches every week or two, and applications for both new categories close January 1, 2028. This is the subject of Section 4.

DOOR 3

Onshore under Buy American

Domestic manufacture takes equipment outside the covered entries by definition. For advanced robotics, the National Security Determination defines “foreign-produced” as any article that would not qualify as a “domestic end product” under 48 CFR § 25.101(a) — the Buy American test, with its 65% domestic-component floor rising to 75% in 2029 and its separate treatment of off-the-shelf items. For inverters, a determination modified on August 20, 2026 (DA 26-870) widened the exit: a unit escapes “foreign-produced” status if it is either a 48 CFR § 25.101(a) domestic end product or eligible for the Advanced Manufacturing Production Credit under 26 U.S.C. § 45X for domestic production — both routes require US production, so neither is a path to offshore

DOOR 4

Exit the US market

Always available, rarely chosen deliberately. It is what happens by default to manufacturers who wait.

manufacture. For drones the parallel exception sunsets on January 1, 2028; for inverters and robotics the definition carries no sunset. Capital-intensive, slower, and in practice usually sequenced after a Conditional Approval rather than instead of one — which is precisely why the application's manufacturing plan matters so much.

A fifth position exists for the fortunate: equipment genuinely outside the covered definitions. But non-covered status must be certified with "sufficient evidence" — and no documentation standard is prescribed. An audit-ready evidence file is cheap insurance the day a certification is challenged.

SECTION 4

Inside a Conditional Approval application

The FCC's category-specific guidance documents (the inverter and robotics versions are dated July 27, 2026) define the intake process: applications go by email — Conditional-approvals@fcc.gov for both new categories — as a machine-readable PDF, and the Commission forwards them to the reviewing agency. Applications close January 1, 2028. Addresses and requirements have changed mid-stream before — pull the current guidance document the week you file, not the month you started.

Every successful application we have studied is, at bottom, the same four disclosures:

1. **Corporate structure** — who the applicant is, every tier of the organization chart, with jurisdictions, and board and executive leadership with nationality and country of residence.
2. **Foreign ownership** — beneficial ownership traced to the top — the guidance sets the disclosure threshold at five percent — including any foreign-government ownership, control, influence, financing, or material support at any level.
3. **Supply chain** — facilities, contract manufacturers, per-component country of origin, supply-chain concentration by country expressed as shares of both value and volume, and contingency plans for every sole-source supplier.
4. **A US manufacturing plan** — site or site strategy, phased timeline, domestic-content trajectory, headcount, and capital commitment — with a dedicated point of contact reporting

status to the issuing agency once a quarter. Since July 2026 this is also what keeps a grant alive after it issues.

What separates strong applications is less the facts than the assembly: every claim traceable to a source document, model schedules scoped for a family or class grant rather than one SKU, security and data-handling posture addressed before it is asked about, and an applicant whose ownership story survives scrutiny. Every submission closes with an authorized officer's certification that the record is complete and accurate — and the guidance is explicit about the stakes: material misrepresentation terminates a granted approval and precludes the applicant from ever applying again.

What it costs, in market terms

Large national-security regulatory practices bill these filings at six figures with partner rates of \$700–1,400 per hour. Certification shops market Covered List navigation for less, but without the onshoring-plan and US-entity capability the grants now turn on. Laboratory testing, where required for parallel equipment authorizations, runs from roughly \$1,500 for simple devices to \$200,000+ for cellular-class equipment — and a failed first test adds weeks and five figures. The economics reward doing the preparation once, properly.

SECTION 5

What the register tells us — and what it cannot

Granted approvals are published at fcc.gov/supplychain/coveredlist: device, applicant, and date. Applications and denials are never published. Two consequences follow.

17 UAS grantees with Conditional Approval, Mar–Jul 2026 — now indefinite, conditioned on onshoring compliance	18 router grantees (20 grant actions), Apr–Aug 2026 — every grant carries an ~18-month termination date	0 inverter or robotics grants as of August 15, 2026 — the first filers will define both categories' precedents
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First, the register is a map of who moved early. The router register's foreign bloc is led by Taiwanese manufacturers, with Korean, French, and Finnish names alongside; the drone register spans Israel, Norway, the UK, Austria, Switzerland, Hungary, and Japan-affiliated applicants. Notably, many grantees are US entities with foreign production — the US-side applicant structure is itself part of the playbook. No PRC-headquartered applicant appears on either register.

Second, no one can compute an approval rate. Only wins are visible. Any advisor claiming a percentage success record is quoting a number that cannot be verified from public data — including by their own prospective clients. Judge advisors on the specifics of grants they can demonstrate involvement in, not on unverifiable ratios.

As of August 15, 2026, the register contains zero inverter grants and zero robotics grants. The first names to appear will define their categories' precedents — scope, conditions, and timeline — the way the March drone grants did.

A note on litigation and regime risk. The regime is under active legal challenge — petitions for review are pending in the federal courts of appeals, including Hikvision's challenge to the legacy-entry prohibition, and press reports describe a drone-industry challenge to the listing itself — and category boundaries can move by Public Notice in either direction, as the June 15 Toy Drones exemption showed. No one can responsibly predict either outcome, and this document does not try. Two facts frame the decision anyway: the evidence a Conditional Approval requires — ownership documentation, supply-chain tracing, origin proof — is the same evidence buyers, financing parties, and federal procurement rules increasingly demand however the litigation resolves; and if the regime holds, filing position is queue position. Preparation holds its value under both outcomes; waiting holds its value under only one. And waiting carries a cost of its own that the litigation does not reach: the July 2026 clawback proposals show the Commission willing to reconsider authorizations it has already granted, so the status quo a waiting manufacturer is protecting is not a fixed position to return to.

SECTION 6

A 90-day preparation sequence

For a manufacturer deciding this quarter, the critical path is document assembly, not drafting:

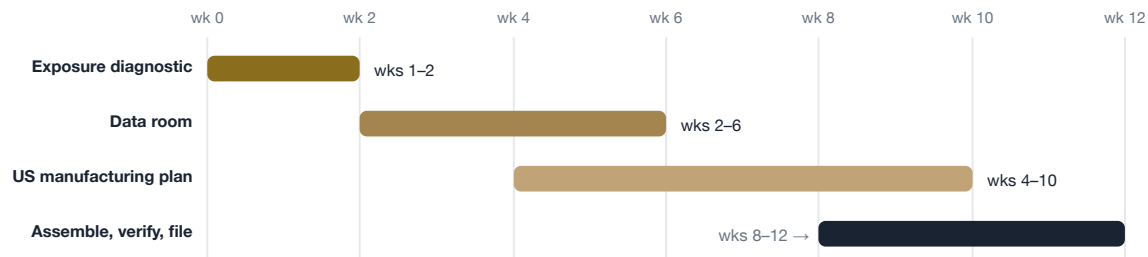


Fig. 2 — The 90-day critical path. Phases overlap deliberately: the manufacturing plan starts while the data room is still filling.

1. **Weeks 1–2 — Exposure diagnostic.** Model-by-model covered-status determination, grandfathering position, clawback exposure, and pathway selection. This is where family/class scoping strategy is set.
2. **Weeks 2–6 — Data room.** Ownership registries, org charts, bills of materials with component origins, facility documentation. In our experience the long-lead items are beneficial-ownership documentation and BOM origin data — start them first.
3. **Weeks 4–10 — US manufacturing plan.** Site strategy, EMS partner conversations, incentive mapping, a content-percentage trajectory to the 48 CFR 25.101(a) floor — 65 percent today, 75 from 2029. Credibility here is inspectable commitments, not aspiration.
4. **Weeks 8–12 — Assemble, verify, file.** Narrative, schedules, exhibits, counsel review, officer certification, submission to the current intake address, and a tracking cadence matched to the 1–2-week grant batching rhythm.

Manufacturers who begin after the first grants in their category publish will file into a longer queue, against precedents set by someone else's application.

SECTION 7

About Gatewell Group

Gatewell Group is a Los Angeles regulatory consultancy focused exclusively on US market access for Covered List equipment: Conditional Approval applications, onshoring plans, domestic-content engineering, FCC equipment-authorization management, and US responsible-party services for manufacturers in allied countries — and Covered List exposure diligence for the US companies that buy from them. Engagements are fixed-fee and staged. We decline engagements we would not bet on.

Start with the diagnostic. Two weeks, a fixed fee, half of it credited against a full engagement: a written judgment on your exposure and your pathway.
inquiries@gatewellgroup.com · +1 (213) 558-2221 · gatewellgroup.com

Sources: FCC Covered List and Conditional Approvals register (fcc.gov/supplychain/coveredlist); FCC category guidance documents (Jan 7, Mar 20, and Jul 28, 2026); FCC public notices including the June 26, 2026 importation/marketing notice and July 21, 2026 UAS determination; 47 CFR Part 2. Regulatory facts verified August 19, 2026; Conditional Approvals register as of August 15, 2026. This document is general information, not legal advice, and not a guarantee of any regulatory outcome. © 2026 Gatewell Group.