

Before the Federal Communications Commission

Reply Comment to the Notice of Inquiry ET Docket No. 98-153

In the Matter of Revision of Part 15
of the Commission's Rules Regarding
Ultra-Wideband Transmission Systems

There is one overwhelming point of agreement in the comments and the reply comments to the Notice of Inquiry Regarding Ultra-Wideband Devices as regulated under Part 15 of the FCC Rules. This agreement is that the current pulse desensitization correction factor as applied to UWB devices should be removed from the rules and henceforth disregarded.

There is another point of commonsensical agreement; namely, that a particular type of radio wave, with a particular frequency and energy characteristic, does not interfere with other radio devices because it carries a certain production number or a particular brand name. If it interferes, it is entirely because of its frequency and energy characteristics, and not because of any particular commercial use of the emitter, but rather, based on its characteristic frequency and energy. It can be stated with certainty that any radio wave of a particular frequency range and energy characteristic, in its gross aspect will reliably interfere, or will reliably not interfere, with other radio devices regardless of whether that wave is produced intentionally or incidentally, and regardless of what kind of device is emitting that wave. This is a safe and certain place of agreement. And this is the place where the FCC regulations must be absolutely coherent, rational, justifiable, testable, verifiable and IDENTICAL.

However, the FCC has promulgated as law, regulations that create one standard of permitted interference for radio waves which are produced by a particular kind of device, and then they have written up a different and discriminatory standard of forbidden interference for identical radio waves (identical in as much as they have the same capability of interfering with identical victim receivers) for another class of devices which produce similar wave patterns. This is either arbitrary and capricious or it discriminates on a basis which is unrelated to interference. Yet the statutory mandate of the Federal Communications Commission is to write regulations to control the production of radio waves from all devices, so that they will not harmfully or significantly interfere with each other; to make rules clearly specifying what degree of interference must be tolerated, and what degree of interference must be abated.

The FCC has no Congressional technical mandate to discriminate, ban and prohibit one class of devices and at the same time to allow and permit and authorize another class of devices---except on the basis of how these devices produce radio emissions which interfere with other radio spectrum users. The FCC may have a policy mandate to discriminate among devices based on increasing market competitiveness or other public policy goal, but the FCC must objectively establish its technical regulations based on scientific evidence which is theoretically sound and verifiable under similar laboratory or field conditions. The FCC must accept evidence of actual documented conditions of interference and of non-interference as found in the real world.

Accordingly, the Federal Communications Commission is urged to adopt nondiscriminatory regulations for Part 15 intentional emission devices so as to authorize and permit the same extent and degree of interference as the FCC authorizes and permits to non-intentional emission devices.

Respectfully submitted,

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