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September 11, 2000

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: ET Docket No. 98-153
Ultra-Wideband
Opposition to Extension of Time

Dear Ms. Salas:

Time Domain Corporation ("TDC") hereby opposes the extension of time request filed September 1, 2000, by Multispectral Solutions, Inc. ("MSSI"), which appeared late last week on the Electronic Comment Filing System. For the reasons set forth below, the request should be denied:

MSSI makes the point in their opening paragraph that the NTIA tests will not be ready by either the comment date (September 12) or the reply comment date (October 12) "forcing all interested parties to comment on the proposed rule making without access to complete and unbiased information." This comment ignores Paragraph 31 of the NPRM. The last two sentences of Paragraph 31 read as follows: "[w]e encourage parties to submit the test results into the record in this proceeding by October 30, 2000. At the appropriate time, we *will* issue a public notice to provide an opportunity to provide comments and replies on the test results and analyses." (Emphasis added.) The NPRM does not say the FCC "may" or "tentatively concludes" that it will provide another round of comments; it unambiguously states that the Commission will provide an opportunity to comment on the testing. MSSI's first argument fails on these grounds.

In the second paragraph of his letter Dr. Fontana notes that Section 4.8 of the NTIA GPS test plan calls for test data to be made available by December 29, 2000. While true, Dr. Fontana was also aware that this timeline could be moved up if additional funding became available. On August 11, 2000, NTIA held a meeting to go over the testing process. At that meeting, Dr. Fontana asked Administrator Rohde what the effect would be of the apparent hold up in funding. Administrator Rohde told Dr. Fontana that if additional funds became available, the testing target date would be moved up to its original October 30, 2000 date. On Thursday, September 7, 2000, NTIA held a meeting to discuss UWB and GPS operational scenarios. Mr. Rob Mulloy attended that meeting for MSSI. NTIA engineer Steve Jones opened the meeting by stating that NTIA had

Ms. Magalie Roman Salas

September 11, 2000

Page 2

received additional funding and had moved its target date back to October 30, 2000, as a deadline for testing. In short, MSSSI was aware before it filed the extension request of NTIA's goal of meeting the October 30 deadline, an intention that has now been reaffirmed. See also, *Communications Daily*, September 8, 2000.

In the third paragraph, MSSSI notes that "according to the proposed NTIA schedule" the hold up in funding may cause the testing to delay by "another two months." In the fourth paragraph of its letter, MSSSI argues that the delay will therefore extend the testing to the end of February 2001 "with an optimistic 2 months schedule slip." The initial two months delay announced by NTIA would have delayed completion of the test results from October 30 to December 29. MSSSI now takes the already-extended delayed date of December 29 and adds another two months to it arriving at the end of February, a date that is simply MSSSI's speculation.

In any event, MSSSI's request is premature. If the testing is delayed, the Commission can consider the circumstances that then exist in determining the dates for the submission of test data as well as comments and replies in response to such information. This is no reason, however, for delaying a comment date that has been set for some three months.

Accordingly, MSSSI's request should be denied.

Respectfully,

/s/ David E. Hilliard

David E. Hilliard
Counsel for Time Domain Corporation

cc: Mr. Julius Knapp
Ms. Karen Rackley
Dr. Robert Fontana