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October 19, 2000

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OCT 19 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C.

Re: ***Ex Parte* Notification**
ET Docket No. 98-153

Dear Ms. Salas:

On behalf of the U.S. GPS Industry Council, we submit for the record of the referenced proceeding a copy of a letter and its enclosure transmitted today to Mr. Dale Hatfield of the Office of Engineering and Technology.

Respectfully submitted,

Raul R. Rodriguez
Stephen D. Baruch
David S. Keir
Counsel to the U.S. GPS Industry Council

RRR/rjc

Enclosure

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October 19, 2000

(BY HAND DELIVERY)

Mr. Dale Hatfield
Chief
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C.

Re: ***Ex Parte* Communication**
ET Docket No. 98-153

Dear Mr. Hatfield:

I am writing to you on behalf of the U.S. GPS Industry Council (the "Council"). More specifically, I am writing to respond to a letter filed with the Office of the Secretary on October 16, 2000 by David Hilliard, Counsel to Time Domain Corporation ("TD") where Mr. Hilliard memorializes an *ex parte* telephone conversation between TD representatives and you and other members of your Office. A copy of Mr. Hilliard's letter is enclosed for your reference.

The Council wishes to express its serious concerns with TD's suggestion in Mr. Hilliard's letter that representatives of the Federal Communications Commission ("FCC") "should work with NTIA in observing the testing that NTIA is conducting." The National Telecommunications and Information Administration – NTIA – is currently conducting tests in an effort to determine the levels of interference caused by ultra wideband ("UWB") devices on a variety of receivers that use signals from the satellites of the Global Positioning System ("GPS") in different applications. The tests underway at the NTIA labs in Boulder, Colorado are intended to provide reliable and verifiable scientific data. These data will be reported to the FCC, which in turn will place this information on Public Notice and invite comments thereon.

It is critical to the credibility of the results of the NTIA tests and the objectivity of the FCC in evaluating the test data and the comments filed in response to the Public Notice that the

FCC not participate in any manner in the NTIA testing of UWB devices. The FCC has initiated the referenced rulemaking proceeding at least in part to determine whether it can permit UWB devices to be deployed and, if so, to establish the regulatory structure for the use of such devices. As part of this rulemaking, the FCC has invited comments from the public on the subject of UWB devices and their potential for interference. Further, it has requested that parties submit the results of tests conducted on the potential for interference from UWB devices on existing services, particularly those with critical safety-of-life applications. The NTIA tests on this subject are being conducted specifically in response to the FCC's rulemaking proceeding. The Council knows of at least two other tests of the interference effects of UWB devices on GPS receivers that are also being conducted for the purpose of filing the resulting data with the FCC.

Given the level of interest in this proceeding, as clearly demonstrated by the volume and depth of the comments filed by a very wide range of parties, and the fact that the FCC will ultimately be called upon to make judgments on the basis of the results of these tests, and the forthcoming public comments and analyses thereon, the FCC must maintain its complete objectivity in this proceeding. If the FCC were to participate in any of the tests that are ongoing, even as passive observers, its neutrality and credibility could be called into question. The Council strongly urges that no member of the FCC – commissioners and staff alike – participate in any way in the UWB testing programs currently underway. The FCC must not undermine its ability to serve as fact-finder and impartial arbiter in this proceeding.

The Council concurs in one aspect of Mr. Hilliard's letter. The Council agrees that the FCC should be flexible in according additional time for all parties to complete their testing programs and produce the best data possible.

Respectfully submitted,

Raul R. Rodriguez
Stephen D. Baruch
David S. Keir
Counsel to the U.S. GPS Industry Council

RRR/rjc

Enclosure

cc (w/ encl.): David E. Hilliard, Esq.
Mr. Julius Knapp, FCC
Ms. Karen Rackley, FCC
Mr. David Means, FCC
Mr. Fred Thomas, FCC
The Honorable Gregory L. Rohde, NTIA
Mr. William Hatch, NTIA
Mr. Steve Jones, NTIA

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October 16, 2000

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

Re: ***Ex Parte* Notification**
ET Docket No. 98-153
Ultra-Wideband

Dear Ms. Salas:

This is to note that on October 12, 2000, Robert Pettit of this firm and I spoke by telephone on behalf of Time Domain Corporation with Dale Hatfield, Chief of the Office of Engineering and Technology (OET) and OET staff members Julius Knapp, Karen Rackley, John Reed, Fred Thomas, and David Means concerning the NTIA testing. We encouraged the FCC to work with NTIA in observing the testing that NTIA is conducting. In this respect, we noted the expertise that OET has in making measurements from Part 15 devices and urged OET to encourage NTIA to test emissions from digital devices as part of its testing. With respect to the timing of the testing, we offered the view that if NTIA were not able to complete its work by the October 30 date requested by the FCC in the NPRM, the Commission should be flexible in according an additional reasonable amount of time for such submissions.

Should any questions arise concerning this matter, please contact me.

Respectfully,

/s/ David E. Hilliard

David E. Hilliard
Counsel for Time Domain Corporation

cc: Messrs. Hatfield, Knapp, Thomas, Means, and Reed
Ms. Rackley