



Finally, the role of the FCC, as established by the Communications Act of 1934, is to regulate interstate and international communications by radio, television, wire, satellite and cable.<sup>5</sup> By its cautious actions in this proceeding, the FCC has correctly demonstrated that proper regulation requires a thorough understanding of the potential consequences of such regulation. Clear distinctions must be made between the *potential* of a new commercial technology such as UWB, and the *reality* of existing, viable multi-billion dollar industries currently making use of the spectrum. UWB is indeed a complex phenomenon, and as shown in this proceeding, one not readily amenable to the narrowband analyses of the past. It is highly commendable that the FCC and NTIA have taken the appropriate steps to thoroughly understand this unique technology and its potential impact on safety of life and safety of flight systems. Indeed, a quick move by the FCC to save certain UWB companies from “going out of business” does not seem to be in the best interests of this Nation.

MSSI once again requests that the FCC issue a Further Notice for Proposed Rule Making before proceeding to a Report and Order in this proceeding. As pointed out above, the additional time required for an FNPRM will not weaken the U.S. military, jeopardize lives and/or cause U.S. ultra wideband (UWB) companies to go out of business. Rather, an FNPRM will provide an unique opportunity to further guarantee that UWB technology can properly enter the marketplace and create an industry which can join the ranks of existing, viable spectrum users without cause for incessant conflict or litigation.

Respectfully submitted,



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<sup>5</sup> <http://www.fcc.gov/aboutus.html>