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October 15, 2001

Ms. Magalie Salas, Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

**Re: ET Docket No. 98-153, Revision of Part 15 of the Commission's Rules
Regarding Ultra-Wideband Transmission Systems
*Ex parte Communication***

Dear Ms. Salas:

On behalf of XtremeSpectrum, Inc., I am electronically filing the attached copy of a letter from Paul Wolfowitz, Deputy Secretary of Defense, to Secretary of Commerce Donald L. Evans, dated Sept. 25, 2001.

The quality of this copy is the best we have available.

If there are any questions about this filing, please call me at the number above.

Respectfully submitted,

Mitchell Lazarus
Counsel for XtremeSpectrum, Inc.



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

SEP 25 2001

Honorable Donald L. Evans
Secretary of Commerce
U.S. Department of Commerce
14th & Constitution Ave. NW
Washington, DC 20230

Dear Secretary Evans:

I am writing to convey the Department of Defense position on regulating ultra wideband (UWB) technology.

DoD has a number of uses for this promising technology that, under certain circumstances, would provide the Department with better operational capability. However, we also have deep concerns that, unless properly controlled, proliferation of UWB devices intended to be mass-marketed to the public could cause harmful interference to the Global Positioning System and to other critical national security and safety-of-life systems. We are especially concerned about aggregate interference to DoD systems and other GPS users resulting from a proliferation of UWB devices. We therefore ask the National Telecommunications and Information Administration (NTIA) to conduct a thorough assessment of the aggregate interference effects of any proposed UWB emission limits, including any potential high-data rate applications which may exacerbate the potential impact of these devices, prior to the next step in the Administrative Procedure Act (APA)/Communications Act of 1934, as amended, process.

We appreciate the detailed and thorough work that NTIA and others have done to test and analyze data regarding UWB's potential for interfering with other systems. Testing has shown that the rules proposed by the FCC would not provide adequate protection for GPS and other critical systems under all circumstances. NTIA must work closely and firmly with the FCC to ensure that appropriate technical and regulatory limitations are established and rigorously enforced.

In addition to the pragmatic aspects, we are also concerned about the policy aspects of this precedent-setting issue. It appears to be impractical to allow operation of UWB devices, licensed or not, without accepting UWB emissions at some level in at least some of the "Part 15 restricted bands." Such emissions will unavoidably raise the "noise floor," and thus will undoubtedly pose substantial risk to a very low-power GPS signal and likely to other critical systems in these



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bands. Therefore, UWB devices must be regulated in a way to protect military and civil use of GPS and other critical systems. Furthermore, we oppose any intrusion of non-licensed device narrow-band fundamental emissions into Part 15 restricted bands that are so critical to the ability of the Department to carry out its warfighting mission, as well as to the ability of GPS to support a multitude of civil worldwide uses. There must not be any relaxation of the prohibition against intentional narrow-band emissions from non-licensed devices in the Part 15 restricted bands to allow operation of UWB devices intended for sale to the public. Any revision to this policy and related regulations must continue to provide protection for the critical services residing in these bands.

We know the history of relaxed policies and thus are fearful that any relaxation, however limited initially, would become the proverbial camel's nose. At best we consider the possibility of intentional emissions from non-licensed devices in Part 15 restricted bands to be an exception to long standing national spectrum policy, and we do not want such a relaxation to become a precedent for allowing intentional emissions from other non-licensed devices into these bands. Any revision to current regulations must continue to provide strong protections for the critical services residing in these bands - and there must be rigorous, workable enforcement mechanisms to ensure these protections.

We will continue to work with NTIA on the proposed UWB emission levels and regulatory limitations before we make a final decision regarding their adequacy for protecting DoD systems and the overall integrity of GPS services.

Additionally, we should follow the established IRAC procedures and ensure that DoD is given sufficient time to review any pre-decisional documents before they are released to the public.

I ask that you personally review this important issue and that the Department of Commerce work with the Department of Defense, other interested Federal agencies, and with the FCC to ensure that a final decision is not made without full consideration of its implications.

Sincerely,

