

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of }
 }
Revision of Part 15 of the Commission's }
Rules Regarding Ultra-Wideband } ET Docket No. 98-153
Transmission Systems }

Reply Comments of Multispectral Solutions, Inc.

Multispectral Solutions, Inc. (MSSI) wishes to respond to recent comments made by XtremeSpectrum, Inc. (Xtreme)¹.

The Need for a Further Notice of Proposed Rule Making (FNPRM).

In its Notice of Proposed Rule Making, the FCC stated “[w]e believe that UWB technology holds promise for a vast array of new or improved devices that could have enormous benefits for public safety, consumers, and businesses. Further, we anticipate the UWB technology could create new business opportunities for manufacturers, distributors and vendors that will enhance competition and the economy... Accordingly, we conclude that the Commission should develop **reasonable regulations** that will foster the development of UWB technology while continuing to **protect radio services against interference**” (emphasis added).

As the technical record has clearly shown, UWB if not properly implemented can cause significant interference to existing spectrum users. This concern was recently highlighted by Deputy Secretary of Defense Paul Wolfowitz in his letter to Secretary of Commerce Donald Evans.² Since a Report and Order from the FCC may, for the very first time in U.S. history, permit *intentional* transmissions in *restricted* bands of operation – several of which have heretofore been dedicated to safety-of-life operations; it seems more than simply prudent to allow additional comment on any proposed rule making. Indeed, the "exceptionally vigorous proceeding" noted by Xtreme demonstrates the significant technical and legal concerns raised by the proceeding, rather than the "completeness" of the record as alluded to in their remarks.

That the record is incomplete can be readily seen from Xtreme's most recent filing³ wherein they state "[w]e understand that OET is evaluating a ban on peer-to-peer UWB communications as one possible means of enforcing indoor-only operation." It appears that Xtreme is the *only* company with knowledge of such a ban and its possible parameters. Certainly, discussion of such a ban did not appear in the original NPRM.

¹ XtremeSpectrum, Inc. *ex parte* submission to ET Docket 98-153 dated 19 October 2001.

² Deputy Secretary of Defense Paul Wolfowitz letter dated 25 September 2001.

³ XtremeSpectrum, Inc. *ex parte* submission to ET Docket 98-153 dated 22 October 2001.

In addition, Xtreme's claim that MSSSI's request for an FNPRM was designed to hinder competition is totally without basis. All current and future UWB developers will greatly benefit from FCC Part 15 approval. However, attempts to encourage a premature FCC rule making with the primary interest of attracting venture capital is clearly misguided.

MSSSI and the FCC

Xtreme also claimed that MSSSI has "charge[d] the Commission with failing to appreciate the complexity of UWB and its possible impact on existing spectrum users." For the record, MSSSI actually stated the following:

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.⁴

MSSSI's professionalism throughout this proceeding stands on its own merits.

Conclusion

As pointed out above, the impact of a Rule and Order in this proceeding is precedent setting. Not only will such a ruling impact the future commercialization of UWB (and perhaps the tiny handful of U.S. companies currently dedicated to this technology), but it will also impact hundreds if not thousands of other companies and industries, as well as the safety and well being of the entire American public. Indeed, a Rule and Order in this proceeding will impact the very essence of spectral regulation and coexistence in this country.

An FNPRM process need not be prolonged; however, it is essential in this instance where (a) subsequent engineering measurements and tests have demonstrated that the original premises on which the NPRM was based were largely inaccurate; and (b) continued controversy exists over the deployment of this technology in certain bands below 6 GHz.

⁴ Reply Comments of Multispectral Solutions, Inc., ET Docket 98-153, filed October 9, 2001.

Thus, MSSSI again respectfully recommends that the FCC issue a Further Notice of Proposed Rule Making. As highlighted above, an FNPRM is both in the best interest of this technology *and* in the best interest of this Nation.

Respectfully submitted,



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October 23, 2001

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