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November 27, 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:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, on behalf of XtremeSpectrum, Inc., I am filing this letter electronically to report an oral ex parte communication in the above-referenced proceeding.<sup>1</sup>

Yesterday, Martin Rofheart of XtremeSpectrum, Inc., Michele Farquhar, Esq., of Hogan & Hartson, L.L.P., Veronica Haggart, Esq., and I met (in separate sessions) with Commissioner Kevin Martin and Monica Shah Desai of his staff; Commissioner Kathleen Q. Abemathy and Bryan Tramont and Jason Scism of her staff; and Commissioner Michael J. Copps and Paul Margie of his staff.

We reiterated positions XtremeSpectrum has previously stated in this proceeding, with emphasis on the following points:

- ***XtremeSpectrum's proposals will protect all other spectrum users.***  
XtremeSpectrum's technical proposals in the docket have fully resolved all

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<sup>1</sup> XtremeSpectrum, with 67 employees, conducts research in ultra-wideband communications systems as its sole business. XtremeSpectrum intends to become a ultra-wideband communications manufacturer once the Commission authorizes certification of such systems. XtremeSpectrum takes no position on ultra-wideband radar applications.

interference issues -- including those relating to Government systems -- raised by parties that have documented their concerns.<sup>2</sup>

- ***XtremeSpectrum's proposals accommodate all ultra-wideband proponents.*** XtremeSpectrum advocates regulatory options (below) that we believe make room for all ultra-wideband manufacturers, based on their public filings in the proceeding.
- ***The Commission should permit peer-to-peer operation at greatly reduced emissions.*** The Commission has proposed to protect outdoor receivers in part by limiting ultra-wideband operation to indoors. XtremeSpectrum has no objection to indoor-only operation. But the specific mechanism proposed to enforce it -- detection of a nearby AC-powered ultra-wideband unit -- would actually rule out most indoor operation.

Instead, XtremeSpectrum urges the Commission to ban outdoor infrastructure for ultra-wideband, and also to give manufactures the choice of complying with either (1) or (2) below:

- (1) peer-to-peer operation only indoors, enforced as above, at the NPRM emissions levels, **or**
- (2) peer-to-peer operation at greatly reduced emissions levels, and only when affirmatively initiated by the user (*i.e.*, no automatic peer-to-peer).<sup>3</sup>

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<sup>2</sup> For details on protection of Government systems, see our 79-page ex parte filing of November 26, 2001, titled "Detailed Technical Analysis of Systems Studied in NTIA Reports."

<sup>3</sup> Details appear in our ex parte filing of November 23, 2001. For peer-to-peer operation, we suggest the emissions limits that we understand NTIA has proposed for all ultra-wideband operation, including outdoors. These are considerably more stringent than the Commission's proposal:

960-1610 MHz:	34 dB below Sec. 15.209(a) levels
1610-3100 MHz:	16-18 dB below Sec. 15.209(a) levels
3100-4200 MHz:	10 dB below Sec. 15.209(a) levels
above 4200 MHz:	Sec. 15.209(a) levels.

We note that the record does not justify limits tighter than Sec. 15.209(a) values in the 3100-4200 MHz band. The 10 dB attenuation listed above would impair XtremeSpectrum's product performance. XtremeSpectrum will accept that limit nonetheless, if it is necessary to resolve the peer-to-peer issue.

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- ***This proceeding need not set a technical precedent.*** The Commission may find it advisable to adopt emissions limits more conservative than are justified by the technical record, due to the special circumstances surrounding ultra-wideband. In that event, the Commission should plainly state in the Report and Order that the rules adopted here err intentionally on the side of caution, and for that reason have no precedential value in future proceedings.
  
- ***Prompt action is needed.*** Prompt Commission action is necessary if consumers and public safety users are to enjoy the benefits of ultra-wideband. Although XtremeSpectrum acknowledges that a postponement beyond the December meeting date may become necessary, any such delay should not slip beyond January.

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

Respectfully submitted,

Mitchell Lazarus  
Counsel for XtremeSpectrum, Inc.

cc: Meeting participants  
Chairman Michael Powell  
Bruce Franca  
Julius P. Knapp  
Dr. Michael Marcus  
Rebecca Dorch  
Lisa Gaisford  
Karen E. Rackley  
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