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January 25, 2002

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 oral ex parte communications in the above-referenced proceeding.¹

Yesterday, Martin Rofheart of XtremeSpectrum, Inc., Michele Farquhar, Esq., of Hogan & Hartson, L.L.P., Veronica Haggart, Esq., and I met with Paul Margie of Commissioner Capps' staff.

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

- ***The NTIA recommendations (as reported in the press) appear to be unworkable for all UWB communications companies, judging from their public filings.*** We believe the reported combination of low emissions limits and a ban on peer-to-peer operation -- *i.e.*, no communications permitted between battery-operated UWB units -- will make it impossible for any UWB communications company to go forward.
- ***The Commission should permit peer-to-peer operation at greatly reduced emissions.*** Peer-to-peer operation is necessary to meet consumer needs for wireless

¹ 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.

connectivity. A peer-to-peer ban would virtually eliminate the market for consumer UWB, and would eliminate technology leverage that can greatly benefit public safety and other non-consumer applications. Recognizing that peer-to-peer operation potentially can occur outdoors, XtremeSpectrum supports subjecting it to greatly reduced emissions levels -- far below those supported by technical analysis -- so as to move the rulemaking forward with a wide margin of extra safety.

- ***XtremeSpectrum's proposal protects all other spectrum users.*** XtremeSpectrum's proposed rule text (attached) fully resolves all interference issues raised by GPS, PCS, E-911, public safety, and all other systems documented in the proceeding. XtremeSpectrum has recently filed separate statements documenting why UWB poses no threat to PCS, E-911, or public safety communications, respectively.
- ***XtremeSpectrum's proposal accommodates all ultra-wideband proponents.*** XtremeSpectrum's proposed rule makes room for all ultra-wideband manufacturers, based on their public filings in the proceeding.
- ***Prompt action is essential.*** This proceeding began in September 1998 -- forty months ago. One UWB company has folded, unable to wait out the delays; and others are certain to follow if the Commission does not reach a decision at its February meeting.

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

APPENDIX -- Proposed Rule Text

15. Protection of other services.

(a) An ultra-wideband communications device may not be mounted on an outdoor surface or support.

(b)(i) Under no circumstances may the emissions from an ultra-wideband communications device exceed these limits:

Frequency (MHz)	Field strength (microvolts/meter)	<i>[NOTE IN DRAFT]</i>
960-1574.92	125	<i>[Class B - 12 dB]</i>
1574.92-1575.92	45	<i>[Class B - 21 dB]</i>
1575.92-1990	125	<i>[Class B - 12 dB]</i>
above 1990	500	<i>[Class B]</i>

(ii) In the table above, the measurement distance is 3 meters. The tighter limit applies at band edges. Measurements shall be performed using a resolution bandwidth of 1 MHz.

(iii) In addition to the provisions of paragraph (b)(i), emissions limits in the band 1574.92-1575.92 MHz measured using a resolution bandwidth of 10 kHz shall not exceed 15 microvolts/meter measured at 3 meters. *[NOTE IN DRAFT: This represents a 10 dB additional attenuation for spectral lines in the GPS band.]*

(c) The provisions of this subsection apply to a battery-powered ultra-wideband device in communication with another battery-powered ultra-wideband device.

(i) The following emissions limits apply in lieu of those set out in section (b):

Frequency (MHz)	Field strength (microvolts/meter)	<i>[NOTE IN DRAFT]</i>
960-1610	10	<i>[Class B - 34 dB]</i>
1610-3100	80	<i>[Class B - 16 dB]</i>
3100-4200	160	<i>[Class B - 10 dB]</i>
above 4200	500	<i>[Class B]</i>

(ii) A battery-powered ultra-wideband device must be designed so that it cannot commence communicating with another battery-powered ultra-wideband device unless the user affirmatively initiates the transmission, as by pressing a button.

(iii) As an alternative to compliance with paragraphs (i) and (ii), a battery-powered ultra-wideband device can be made incapable of communicating with another battery-powered ultra-wideband device outdoors.

[NOTE IN DRAFT: The last provision allows "full power" peer-to-peer operation where the device can establish it is indoors -- e.g., by detecting a nearby AC-powered unit.]