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March 12, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

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

Dear Mr. Caton:

Pursuant to sections 1.1206(b) and 1.1204(a)(10) of the Commission's rules, I am writing on behalf of the Short Range Automotive Radar Frequency Allocation group ("SARA") to notify you of an *ex parte* communication held in connection with the above-referenced proceeding. On Friday March 8, I received a telephone call from Bryan Tramont, Senior Legal Advisor to Commissioner Abernathy, requesting clarification regarding issues raised in connection with SARA's proposal to operate automotive short range radar ("SRR") devices at 24 GHz under the FCC's UWB rules.

Mr. Tramont asked whether any information exists in the written record regarding the additional costs associated with mandating that automotive SRRs be capable of being turned off by the operators of motor vehicles in which they are located. In response to Mr. Tramont's question, I indicated that to the best of my knowledge nothing had been placed in the written UWB proceeding record on the issue. I noted that in considering whether additional obligations should be imposed on 24 GHz automotive SRR, the FCC should take into account the incremental cost associated with such obligations, and should refrain from imposing

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requirements that are unnecessary, and for which no support exists in the proceeding record.

As I indicated to Mr. Tramont, nothing in the proceeding record indicates that it is necessary for the FCC to mandate "on-off" capability. The only possible reason that could be given for such a requirement would be to protect radio astronomy operations at 23.6-24.0 GHz. As indicated in SARA's January 30, 2002 ex parte, however, radio astronomy observatories in the United States typically have control over access to a distance of one kilometer from the telescopes to provide protection from interference caused by RFI sources. See Ex Parte Statement of SARA in ET Docket No. 98-153 (January 30, 2002) at 4-5. Since an analysis based on ITU Recommendation R.A. 769-1 and the operating parameters requested by SARA suggests that harmful interference to radio astronomy operations will not occur unless SRR-equipped automobiles come within less than 290-387 meters of the radio astronomy telescopes, there is no reasonable possibility that automobile-equipped SRRs will get close enough to radio astronomy telescopes to cause harmful interference.

If, despite the foregoing, the FCC decides that some type of "on-off" capability is needed, the Commission should be careful to impose only the minimum amount of regulation necessary to accomplish the goal. While the incremental cost of incorporating "on-off" capability via an automobile manufacturer's multifunctional steering wheel display (i.e., an electronic "on-off" switch) might be relatively modest (approximately 10 percent more per automobile than a 24 GHz SRR system without such capability), a requirement that the switch be mechanical would pose significantly more cost and would be unnecessary. Since the result achieved would be the same under either approach, if the FCC determines that "on-off" capability is required, it should allow for the use of electronic "on-off" switches. Moreover, it should not dictate the technical means by which the "on-off" capability is delivered, but should leave that to the discretion of complying parties.

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An original and one copy of this letter are submitted for inclusion in the proceeding record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ari Q. Fitzgerald", written over a horizontal line.

Ari Q. Fitzgerald
Counsel for SARA

cc: Mr. Bryan Tramont