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August 20, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Michael Powell
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

ET Docket No. 98-153

Dear Chairman Powell:

The companies and associations listed on the above letterhead strongly support the attached letter that Senator Conrad Burns sent you on August 1, 2002 concerning the imperative need for the Commission to undertake and conduct tests to evaluate Ultrawideband (UWB) interference, and to do so in an open and transparent manner.

The Commission's First Report and Order ("R&O") in ET Docket 98-153 adopted a series of emission limits and operational conditions intended to ensure that UWB would not interfere with existing services. We understand that the Commission may be preparing to conduct tests to evaluate interference from UWB devices, and that the results of such tests would be used by the Commission to determine whether limits and conditions now applicable to UWB devices should be modified. Many of the companies listed above have filed with the Commission Petitions for Reconsideration of the R&O, in part on the grounds that the newly adopted limits and conditions applicable to UWB devices do not adequately protect existing services, and must therefore be modified.

In this respect, we strongly believe that a well-designed and well-executed test program can immeasurably assist the Commission by providing real-world data on the basis of which the Commission can then validly determine the extent, if any, to which the limits and conditions in the R&O should be revised. However, in order for this test program, and any Commission action based on its results, to be effective and acceptable, it is critical that the program be conducted in an open and impartial manner, with ample opportunity for input from the private sector. Senator Burns' letter clearly raises the questions the Commission must address before it goes forward with a valid test program.

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As many of us have indicated in our individual filings to the Commission in this proceeding, we stand ready to provide the Commission and its staff, in connection with its test program, with technical support and advice, as well as the necessary equipment and facilities needed to conduct the tests.

Finally, we believe that the Commission's announced intention to review the rules adopted in the R&O in six to twelve months should take place only after the test program has been concluded, and its results made available for public comment.

We would be pleased to answer any questions you might have, and to provide further assistance.

Respectfully Submitted,



Robert D. Briskman

On behalf of the parties named above

Attachment

cc:

Commissioner Kathleen Abernathy
Commissioner Michael Copps
Commissioner Kevin Martin
Marlene H. Dortch, Secretary
The Honorable Conrad Burns

CONRAD BURNS
MONTANA

United States Senate

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August 1, 2002

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AUG 20 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Re: Testing of Ultra Wideband Devices

Dear Mr. Chairman:

The Commission recently released a First Report and Order ("R&O") authorizing the marketing and use of unlicensed Ultra Wideband ("UWB") devices in ET Docket 98-153. The R&O noted that the Commission will review the rules adopted in six to twelve months to determine whether any modifications should be made. I understand that the FCC staff will conduct tests to determine whether the recently-adopted spectrum restrictions and unwanted emission levels of protection are necessary to protect existing services, including safety-of-life.

In earlier stages of the UWB inquiry, the National Telecommunications and Information Administration ("NTIA") and the Department of Transportation (DoT) undertook test programs to determine the impact of UWB devices on a variety of government operations and services. At the request of the Department of Transportation (DoT), the Radio Technical Committee Aeronautics (RTCA) Special Committee 159 on Interference conducted analyses of these test data. The DoT and RTCA test plans, analyses and reports were published and reviewed in public processes.

The NTIA process was conducted pursuant to public notices of its intended test plans and test scenarios, followed by public comments and dialog with all potentially affected sectors of government and industry. As a result of this open peer review, the integrity of NTIA's tests and its analyses of the data collected were not questioned. Indeed, NTIA produced a critical mass of the data use by the Commission in considering the rules adopted in the R&O. I applaud NTIA for the transparency and inclusiveness of its processes and the reliability of the results of its UWB test programs.

In testifying recently before the House Commerce Committee, a senior Commission staff member stated the Commission would soon undertake its own tests of potential interference of UWB devices. The results of these Commission tests could form the basis for the review and possible relaxation of the rules adopted in the First R&O. I therefore would like for you to inform my office of the testing being done by the FCC in this regard and/or plans the Commission may have for testing UWB devices and networks. Specifically, please respond to

HELENA
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MISOULA
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1-800-344-1512

<http://burns.senate.gov>

my staff member Randall Popelka in writing to the following questions no later than August 31, 2002.

1. Will the Commission publish and invite public comment on the test plan it intends to pursue in evaluating UWB interference into other services? If the answer is yes, will it do this before it begins its test program? If not, please explain the reason why? If yes, when will the Commission make public its test plans and invite public comment?

2. In developing and implementing its test plans, will the Commission consider worst case scenarios, especially in reviewing potential UWB interference into safety of life frequency bands and services? If not, please explain the scenarios the Commission will consider and how they account for the grave consequences interference to safety of life systems could have.

3. Will the Commission use a range of UWB device and network prototypes in its test program? If not, please explain how the Commission will derive world real data? Will the Commission use a range of victim receivers from existing victim services including military, public safety and commercial?

4. What group within the Commission will undertake these tests and analyze the data? Will this group seek assistance of other Federal agencies in developing the test plans and scenarios; if so, which agencies? Will other Federal agencies participate in reviewing the data collected and the analysis of these data? Will the Commission publish and invite public comment on the data and their analysis before it considers a Further Notice of Proposed Rulemaking?

5. Will the Commission use the data from these tests for any purpose other than in the context of developing a Further Notice of Proposed Rulemaking? For example, in the context of responding to the pending petitions of reconsideration of the R&O?

Sincerely,



Conrad Burns
United States Senator

cc: Commissioner Kathleen Abernathy
Commissioner Micheal Copps
Commissioner Kevin Martin