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December 20, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Written Ex Parte Presentation in ET Docket 98-153

Dear Ms. Dortch:

The U.S. GPS Industry Council ("Council"), through undersigned counsel, and pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. Sec. 1.1206, provides the following comments in support of the Petition for Reconsideration submitted by Multispectral Solutions, Inc. ("MSSI") in the above referenced docket.

In its Petition, MSSI requests that the Commission add appropriate language to Section 15.35 of its Rules removing the requirement for pulse desensitization correction ("PDC") above 1 GHz. MSSI argues in its Petition that removing the requirement for PDC above 1 GHz would encourage the use of existing *non-restricted* spectrum by new digital technologies (such as UWB), thereby further protecting the viability of GPS and other safety-of-flight/safety-of-life services that operate in the lower frequency bands.

Furthermore, rather than encouraging UWB operation to occur in previously restricted (*see* 47 C.F.R. § 15.205) bands of operation (as noted in the present UWB Report and Order), MSSI's recommendation would provide incentive for UWB equipment manufacturers to build devices that operate in non-restricted bands in the upper microwave frequencies (e.g., 5.46 – 7.25 GHz, 8.50 – 9.0 GHz, 9.5 – 10.6 GHz). The proposal would also pave the way for the responsible advancement of new digital wireless technologies without damaging the noise floor due to unlicensed density of operations in spectrum that has been protected for decades because critical national security and public safety services require operational predictability – lives depend on it.

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Ms. Marlene H. Dortch
December 20, 2002
Page -2-



For the reasons set out in MSSSI's Petition, the Council supports strongly MSSSI's requested change in the Commission's rules and urges the Commission to adopt these minor changes in this proceeding. We file an original and one copy of this letter with electronic copies to the parties listed below.

Sincerely,

Handwritten signature of Raul R. Rodriguez.

Raul R. Rodriguez
Counsel to The U.S. GPS Industry Council

RRR:rjc

cc by e-mail: Dr. Robert Fontana
Dr. Edward Thomas
Dr. Julius Knapp
Mr. John Reed
Ms. Karen Rackley