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February 12, 2003

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445-12th Street, S.W.  
Washington, D.C. 20554

RECEIVED

FEB 12 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: Written Ex Parte Presentation in ET Docket No. 98-153—Request of  
Multispectral Solutions, Inc. for Immediate Clarification of Rule 15.35(b)**

Dear Ms. Dortch:

Multispectral Solutions, Inc. ("MSSI"), by its attorneys, hereby respectfully requests the Commission to hold that Section 15.35(b) of the rules does not require pulse desensitization correction ("PDC") for emission measurements of Part 15 devices operating *above 1 GHz*. This request was first submitted by MSSI more than eight months ago in the context of the Ultra-Wideband ("UWB") rulemaking in ET Docket No. 98-153. In the interim, MSSI has met with senior officials in the Office of Engineering and Technology ("OET") to explain why this interpretation of Rule 15.35(b) is appropriate and correct. An immediate grant of this request would serve the public interest because it would encourage the development of UWB technologies and foster the commercial deployment of new UWB products and services.

Much of the controversy surrounding UWB technology arises from a concern that some UWB devices would place intentional emissions in certain sensitive or safety-related frequency bands that are designated as restricted bands, or in frequency bands allocated for television broadcasting.<sup>1</sup> To date the Commission has authorized the operation of some types of UWB products in these restricted bands, albeit under very conservative technical standards. Other uses of UWB technology, however, such as UWB products developed by MSSI, do not put intentional emissions into the restricted frequency bands. Under MSSI's proposed interpretation of Rule 15.35(b), MSSI could proceed to deploy such UWB devices without implicating the most difficult issue facing the Commission in its ongoing UWB rulemaking, *i.e.*, adopting terms and conditions under which UWB devices will be permitted to operate in the restricted bands. Adopting MSSI's proposal not only would permit MSSI to deploy UWB products commercially without risk of interference to operations in the restricted bands, but it also would encourage other manufacturers to develop UWB devices that avoid operating in the restricted bands.

<sup>1</sup> See Section 15.209 of the Commission's rules.

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The only thing preventing these developments from occurring is an anomaly created by OET's interpretation of Rule 15.35(b) that requires a PDC factor to be applied when measuring certain emissions. The Commission itself rejected this measurement criteria for UWB-specific rules in Subpart F in its *First Report and Order* in this proceeding. Moreover, the U.S. GPS Industry Council, which has sought vigorously throughout this proceeding to protect safety-related frequency bands from harmful interference, has informed the Commission that it supports MSSI's interpretation of the applicable rule. Importantly, the National Aeronautics and Space Administration ("NASA") also has advised the National Telecommunications and Information Administration ("NTIA") and MSSI that it, too, supports MSSI's proposed change to Rule 15.35(b). In addition, Randal J. Burnette, the Founder and President of Synergent Technologies, Inc., who authored Agilent Technologies' current application note on "Radar Pulse Measurements with a Spectrum Analyzer," has told the Commission that the predecessor document, Hewlett Packard ("HP"), Application Note 150-2, is not applicable in this context. For these and other reasons set forth below, MSSI urges the FCC to clarify Rule 15.35(b) immediately by holding that a pulse desensitization correction factor is not required for measuring emissions of Part 15 devices operating above 1 GHz.

## Background

MSSI is a recognized industry leader in the development of UWB systems for communications, radar and precision geo-location applications. Since its inception in 1989, MSSI has received 65 contract awards to develop and field UWB equipment for the U.S. Government and military. As a result, MSSI has extensive experience with regard to the myriad of technical issues surrounding UWB technology.

MSSI desires to market low power UWB devices operating in non-restricted frequency bands above 1 GHz. A current OET interpretation of the PDC requirements, however, prevents Part 15 certification for a number of MSSI products and services that do not operate in restricted bands and would otherwise qualify for certification under the general Part 15 rules. Specifically, OET has advised its Telecommunications Certification Bodies ("TCBs") that they must take into account a pulse desensitization correction factor under Rule 15.35(b) when considering pulsed emissions, regardless of whether the operational frequency of the Part 15 device is above or below 1 GHz. OET has pointed to HP Application Note 150-2 as a rationale for requiring PDC under Rule 15.35(b).

On June 14, 2002, MSSI filed a Petition for Reconsideration in the UWB rulemaking urging the Commission to interpret Rule 15.35(b) as not requiring pulse desensitization correction for emissions above 1 GHz.<sup>2</sup> MSSI noted that Rule 15.35(b) stipulates that measurements (both peak and average) above 1 GHz are to be performed using a minimum resolution bandwidth of 1 MHz, yet the rule makes no mention of a need for pulse desensitization

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<sup>2</sup> Petition for Reconsideration filed by MSSI on June 14, 2002, *In the Matter of Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems*, ET Docket No. 98-153. A copy of MSSI's Petition is provided in Attachment 1 hereto.

*correction*. Furthermore, MSSl showed that if PDC is required above 1 GHz, then UWB emissions permitted under Part 15's new Subpart F rules would be significantly higher (at least 41.25 dB) than those permitted under pre-existing Part 15 limits, and that such higher emissions would occur in the restricted bands. In other words, the Commission permits UWB devices under new Subpart F to place intentional emissions in restricted bands many orders of magnitude in excess of the emission limits permitted under pre-existing Part 15 rules for the non-restricted bands. This result reflects an obvious contradiction between OET's interpretation that Rule 15.35(b) requires PDC and the Commission's new Subpart F regulations.

On July 29, 2002, MSSl filed Reply Comments in the UWB rulemaking to address the applicability of HP Application Note 150-2 to this issue.<sup>3</sup> Specifically, MSSl noted that pulse desensitization correction was used by Hewlett Packard and radar engineers to determine the true, full bandwidth peak power from measurements made with a modern spectrum analyzer, which allows an engineer to determine total peak power from measurements of the power spectral density (*i.e.*, Watts per Hertz bandwidth) in a given resolution bandwidth. From an interference perspective, however, full bandwidth peak power is irrelevant, as it is only the energy (power) received within the victim receiver's bandwidth that causes interference. MSSl noted that this, of course, is precisely what a spectrum analyzer measures without the need for PDC.

### **The Record in this Proceeding Supports MSSl's Request for Relief**

Interested parties have had ample opportunity to comment on MSSl's request for the FCC to hold that Rule 15.35(b) does not require pulse desensitization above 1 GHz. MSSl's Petition for Reconsideration was listed on a *Public Notice* that invited opposition filings on the issues raised in the MSSl Petition.<sup>4</sup> While numerous parties reflecting diverse business and technical perspectives have participated fully throughout the course of these UWB proceedings, no party has opposed MSSl's request for a ruling that Rule 15.35(b) does not require PDC above 1 GHz. To the contrary, key industry participants have supported MSSl's request in recent filings with the Commission.

For example, on December 20, 2002, the U.S. GPS Industry Council ("Council") informed the FCC that it "supports strongly" MSSl's requested rule change and urged the Commission to adopt these minor changes in this proceeding.<sup>5</sup> The Council notes that rather

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<sup>3</sup> Petition for Reconsideration (Reply Comments) filed by MSSl on July 20, 2002. *In the Matter of Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems*, ET Docket 98-153. A copy of MSSl's Reply Comments is provided in Attachment 2 hereto.

<sup>4</sup> See FCC *Public Notice*, Report No. 2560, released July 3, 2002; see also *Federal Register*, Vol. 67, No. 136, p. 46668, published July 16, 2002.

<sup>5</sup> See letter of Raul R. Rodriguez, counsel to the U.S. GPS Industry Council, to Ms. Marlene H. Dortch, Secretary of the FCC, dated December 20, 2002, a copy of which is provided in Attachment 3.

than encouraging UWB operation to occur in previously restricted bands of operation. MSSSI'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 Council also observed that MSSSI's proposal would 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 of the need by national security and public safety services for operational predictability.

The Council's support for MSSSI's recommendation is significant, especially considering the vigilance of Global Positioning System ("GPS") interests in this proceeding to protect the GPS bands at 1176.45, 1227.60 and 1575.42 MHz from harmful interference from UWB devices. As the Commission has observed, GPS will be relied upon increasingly for air navigation and safety, and it is a cornerstone for improving the efficiency of the air traffic system.<sup>6</sup> The Commission also noted that GPS may be used by commercial mobile radio E-911 services to enable police and fire departments to locate individuals quickly in times of emergency.<sup>7</sup> Moreover, the use of GPS is expanding for use by businesses and consumers for all types of applications, such as navigation by automobiles, boats and other vehicles, surveying, hiking and geological measurements.<sup>8</sup> In this context, the strong support of the U.S. GPS Industry Council for MSSSI's proposal is forceful corroboration that deleting the PDC requirement from Rule 15.35(b) would not lead to interference into sensitive and safety-related services.

Further support for MSSSI's petition has come from NASA.<sup>9</sup> Specifically, NASA commented that "[w]hile it seemingly is a simple request, MSSSI's Petition has far reaching consequences for the responsible introduction of UWB devices into the commercial marketplace. In particular, removal of 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." As with the support of the U.S. GPS Industry Council, NASA's support for the MSSSI proposal is strong testimony by a key spectrum user group that eliminating PDC from Rule 15.35(b) emission measurements above 1 GHz will not have adverse interference consequences for licensed spectrum users.

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<sup>6</sup> See *First Report and Order* in ET Docket 98-153, 17 FCC Red 7435 (2002), at 7450 (hereinafter "*First Report and Order*")

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 7450-51.

<sup>9</sup> See letter of David P. Struba, NASA IRAC Representative, to Dr. Robert J. Fontana, President of Multispectral Solutions, Inc., dated February 5, 2003, a copy of which is provided in Attachment 4. This letter was also sent by NASA on January 31, 2002, to Mr. Karl Nebbia, Chairman of the Interdepartment Radio Advisory Committee, National Telecommunications and Information Administration.

Preco Electronics, Inc., which for 50 years has offered a wide variety of safety products targeted at the commercial vehicle industry, also strongly supports MSSl's position on pulse desensitization correction.<sup>10</sup> Specifically, Preco agrees with MSSl that the full bandwidth theoretical peak power calculation has no relevance in defining interference potential, and that the original intent of Rule 15.35 very adequately accounts for emissions above 1 GHz by requiring measurement using a peak detector with a bandwidth of 1 MHz or greater. As noted in Preco's comments, this measurement provides a normalized peak power spectral density that is unbiased, has a long history of proven adequacy, and provides an accurate indication of interference potential that is easily understood.

As noted above, HP Application Note 150-2 cannot be used as a rationale for requiring PDC under Rule 15.35(b) for emissions above 1 GHz. Indeed, Randal J. Burnette, the Founder and President of Synergent Technologies, who is the author of Agilent Technologies' current application on "Radar Pulse Measurements with a Spectrum Analyzer," and who is working with Agilent to update the entire 150 series of application notes, recently advised the Commission that PDC is not required to determine the potential interference effects of a wide pulse waveform.<sup>11</sup> Rather, as noted by MSSl, pulse power density (i.e., watts per Hz, dBm/MHz, etc.), whether determined on an average or peak basis, is the relevant parameter for this purpose.

In view of this support, and considering that no party has objected to MSSl's request after opportunity to be heard, the Commission should grant MSSl's request without further delay and remove the PDC requirement from Rule 15.35(b) for emissions above 1 GHz.

### **Immediate Grant of MSSl's Request Would Serve the Public Interest**

Grant of MSSl's request would serve the public interest by encouraging the development of UWB technologies and fostering the deployment of new commercial UWB products and services. Indeed, the Commission has stated that UWB technology holds promise for a vast array of new or improved devices that could have enormous benefits for public safety, consumers and businesses." The Commission also has observed that UWB technologies will create new business opportunities for manufacturers, distributors and vendors that will enhance competition and the economy." Furthermore, UWB technology will enable increased use of

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<sup>10</sup> See Reply Comments of Preco Electronics, Inc. in ET Docket No. 98-153, January 3, 2003, a copy of which are provided at Attachment 5.

<sup>11</sup> See letter of Randal J. Burnette, Founder and President of Synergent Technologies, to Marlene H. Dortch, Secretary of the FCC, dated January 12, 2003, a copy of which is provided as Attachment 6.

<sup>12</sup> See *Notice of Proposed Rulemaking* in ET Docket No. 98-153, FCC 00-163, June 14 2000, at para. 8 (hereinafter *NPRM*); see also *First Report and Order*, 17 FCC Rcd at 7443.

<sup>13</sup> See *NPRM* at para. 8; see also *First Report and Order*, 17 FCC Rcd at 7443.

scarce spectrum resources by sharing frequencies with other services without causing interference, thereby resulting in the more efficient use of the spectrum.<sup>14</sup>

Grant of the MSSl request would further each of these policy objectives. For example, eliminating the PDC requirement from Rule 15.35(b) for emissions above 1 GHz would facilitate the sale and commercial deployment by MSSl of a number of new UWB devices that will benefit both consumer and public safety interests. To name just a few examples:

- a UWB tagging systems for location of high valued assets (both equipment and personnel) in hospitals, factories, etc.;
- a UWB collision and obstacle avoidance sensors for vehicular and general aviation applications (enabling aeronautical DO-160 compliant UWB devices);
- UWB devices for Homeland Security applications – intrusion and through-wall sensors, RFID tags, personnel location devices, etc.

The commercial availability of these and other UWB products and services from MSSl and other companies will result in significant public interest benefits.

Moreover, as noted in the comments of the U.S. CPS Industry Council and the National Aeronautics and Space Administration, grant of MSSl's request will provide incentive for UWB equipment manufacturers to develop devices that operate in non-restricted bands in the upper frequency ranges, such as 5.46-7.2 GHz, 8.50-9.0 GHz and 9.5-10.6 GHz. The Commission's Subpart F standards assume that a UWB device will require emissions in the restricted frequency bands in order to perform. Subpart F thus includes a number of application-specific restrictions to protect against possible interference to sensitive operations in these bands. However, these restrictions are not necessary if a UWB product can comply with the Commission's general Part 15 rules, including the avoidance of any intentional emissions in the restricted bands. Thus, if MSSl's requested relief were granted, manufacturers would have a strong reason to design UWB products that avoid operations in the restricted bands.

The Commission has stated that it should adopt reasonable regulations that will foster the development of UWB technologies while continuing to protect existing radio services from interference.<sup>15</sup> Here, there is no risk of interference to other radio services by virtue of granting MSSl's request. Simply put, pulse desensitization (*without correction*) is precisely the mechanism which makes UWB signals difficult to intercept and which minimizes interference from UWB to other services. Furthermore, by enabling UWB operation in *non-restricted* frequency bands, the protection of spectrum users heretofore provided by limits imposed on restricted band operations under part 15.205 will continue.

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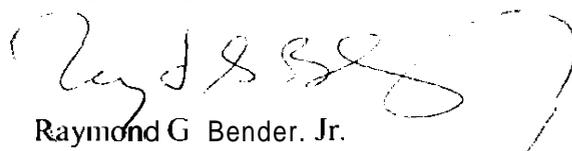
<sup>14</sup> See *First Report and Order*, 17 FCC Rcd at 7443. The FCC noted in the *NPRM* that it is important for the Commission to find ways to encourage the development and deployment of technologies that may allow for more efficient use of the spectrum. See *NPRM* at para. 8.

<sup>15</sup> See *NPRM* at para. 8.

Finally, MSSl urges the Commission to grant this relief as soon as possible. This proposal is simple and straightforward and, as both the U.S. GPS Industry Council and NASA note, involves a change that is "minor" in nature. Because the issue is discrete and uncomplicated, MSSl urges the Commission to resolve it immediately rather than relegate it to further rulemaking proceedings that will be time-consuming because of the need to resolve far more complex UWB issues. In short, the MSSl request is ripe for decision and the Commission therefore should proceed at once to clarify that PDC is not required under Rule 15.35(b) for emissions above 1 GHz.

In accordance with Section 1.1206 of the FCC's rules, an original and one copy of this letter are being submitted to the Secretary of the Commission.

Respectfully submitted,



Raymond G. Bender, Jr.

6111 S. Logan

Counsel for Multispectral Solutions, Inc.

cc: Mr. Ed Thomas  
Mr. Julius Knapp  
Dr. Michael Marcus  
Ira Keltz, Esquire  
Mr. John Reed





# MULTISPECTRAL SOLUTIONS, INC.

*A Tradition of Excellence in Innovation*

14 June 1002

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Ms. Marlene ti. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Ms Dortch:

Attached please find two (2) copies of a Petition for Reconsideration of ET Docket 98-153 (FCC 02-48) concerning Ultra-Wideband Transmission Systems.

An electronic copy of this petition has also been submitted to the FCC's Electronic Comment Filing System.

Thank you very much

Sincerely,

Robert J. Fontana, Ph D  
President

Enclosures

No. of Copies rec'd. 071  
List ABOVE

Before the  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED & INSPECTED

JUN 18 2002

FCC-MAILROOM

In the Matter of }  
Revision of Part 15 of the Commission's }  
Rules Regarding Ultra-Wideband } ET Docket No. 98-153  
Transmission Systems }

### PETITION FOR RECONSIDERATION

Filed by Multispectral Solutions, Inc.  
20300 Century Boulevard  
Germantown, MD 20874  
(301) 528-1745

Vatr: 14 June 2002

#### I. BACKGROUND OF THE COMMENTER

Multispectral Solutions, Inc. (MSSI) ("Petitioner") is a recognized industry leader in the development of ultra wideband (UWB) systems for communications, radar and precision geolocation applications. Since its inception in 1989, MSSI has received 65 contract awards to develop and field UWB equipment for the U.S. Government and military. As a consequence, MSSI has extensive experience with the technical issues relating to UWB technology, and is uniquely qualified to provide expert opinion in this Docket.

#### II. ELIGIBILITY TO PETITION FOR RECONSIDERATION

The Petitioner filed timely comments and reply comments in this docket. Each of the changes requested in this PETITION is eligible for FCC reconsideration under one or more of the following justifications:

- (a) The adopted rule significantly changes existing FCC policy, but this change in policy **was** not proposed by or was not acknowledged in the original Notice of Proposed Rule Making.
- (b) The adopted rule is in contradiction with other established FCC rules or with established and continuing FCC policy.
- (c) The adopted rule is in material error
- (d) There are additional facts not known or not existing until after the Petitioner's last opportunity to present such matters.

**111. THE NEW UWB RULES, TAKEN INTO CONTEXT WITH RECENT FCC ACTIONS, CONFLICT WITH EXISTING PARTS 15.35 AND 15.209 OF THE COMMISSION'S RULES.**

In its grant of waivers (15 June 1999) to Time Domain Corporation, U.S. Radar Inc. **and** Zircon Corporation, **the** Commission stated that

*"The specific rules waived are: Section 15.205(a), which specifies that only spurious emissions may be placed in **certain** designated restricted frequency bands of operation; and, Sections 15.31 and 15.35 which require the application **of a pulse desensitization correction factor when performing certain measurements below 1000 MHz.**"<sup>1</sup> (Bold emphasis added.)*

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<sup>1</sup> FCC' Public Notice, "The Office of Engineering and Technology Grants Waivers for Ultra-Wide Band Technologies," PCC 99-1340, 8 July 1999.

Note that §15.35(b) of the Commission's Rules states that

*“On any frequency of [sic] frequencies above 1000 MHz, the radiated limits shown are based upon the use of measurement instrumentation employing an average detector function. **When** average radiated emission measurements are specified in the regulations, including emission measurements below 1000 MHz, there **is** also a limit on the radio frequency emissions, as measured using instrumentation with a peak detector function, corresponding to 20 dB above the maximum permitted average limit for the frequency **being** investigated unless a different peak emission limit **is** otherwise specified in the rules, e.g. see Section 15.255. Unless otherwise specified, measurements above 1000 MHz shall be performed **using** a minimum resolution bandwidth of 1 MHz. Measurement of **AC** power line conducted emissions are performed **using** a CISPR quasi-peak detector, even for devices for which average radiated **emission** measurements are specified.”*

Thus, the FCC reconfirms in its grant of waivers for UWB technologies that pulse desensitization correction (PDC) is required for emissions below 1 GHz; while §15.35(b) further stipulates that measurements (both peak and average) above 1 GHz are performed using a minimum resolution bandwidth of 1 MHz with *no mention of a need for pulse desensitization correction.*

Historically, in its Notice of Proposed Rule Making (FCC 87-300) relating to Part 15 devices which first established § 15.35, the Commission wrote:

*“[T]he use of a CISPR quasi-peak detector, as described in CISPR Publication 16, gives a better indication of the interference potential of a signal since it provides a closer*

*representation of the power density of the radiated signal, accounting for the peak emissions.*"<sup>2</sup> (Bold emphasis added )

Thus, the FCC also admits that it is the "power-density of the radiated signal", or Watts/Hz, that is a "better indication of the interference potential". Furthermore, in the subsequent First Report and Order (FCC 89-103), the Commission states:

*"[W]e have deleted the requirement that 'suitable adjustment' must be made to the measured results for emissions that are wider than the bandwidth of the measuring instrument. Such adjustments are not needed with the use of CISPR quasi-peak measurements as these measurements determine the permitted emission level per unit bandwidth anywhere within the entire range of frequencies emitted by the Part 15 device. Thus, the measurement procedure is effective in controlling interference potential without a corresponding need to integrate the measured field strength to a high level simply because the Part 15 device is broadbanded."*<sup>3</sup> (Bold emphasis added.)

Again, the Commission confirms that it is unnecessary to integrate the measured field strength, or equivalently, to limit full bandwidth peak power, to protect systems which may be affected by broadband Part 15 devices

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<sup>2</sup> FCC 87-300, "Notice of Proposed Rule Making – Revision of Part 15 of the rules regarding the operation of radio frequency devices without an individual license," released October 2, 1987.

<sup>3</sup> FCC 89-103, "First Report and Order – Revision of Part 15 of the Rules regarding the operation of radio frequency devices without an individual license," released April 18, 1989

Recently, MSSSI submitted a UWB device for FCC certification. NTIA tested an early version of this device<sup>4</sup> - Device "A" of the referenced report. With a 1 MHz resolution bandwidth, the MSSSI UWB device exhibited an average power which was 35 dB *below* Part 15 limits of 500  $\mu\text{V}/\text{m}$  at 3 meters, and exhibited a worst case peak power at 5700 MHz of 75 dB $\mu\text{V}/\text{m}$  (5623  $\mu\text{V}/\text{m}$ ) at 1 meter; or, equivalently, 1874  $\mu\text{V}/\text{m}$  at 3 meter range<sup>5</sup>. Thus, with a 20 dB peak-to-average ratio limitation as specified in §15.35(b), the UWB device exhibited a peak power which was 8.5 dB *below* Part 15 limits of 5000  $\mu\text{V}/\text{m}$  at 3 meters. The device had a pulse repetition frequency (PRF) of 10 Kpps (10,000 pulses per second).

As the MSSSI UWB device had a portion of the main spectral lobe falling within the §15.205(a) restricted band 5.35 to 5.40 GHz; the device was redesigned to operate at a slightly higher operational frequency to stay within the 5.46 to 7.25 GHz non-restricted region. (Note: The original device "A" was also tested by an FCC-certified testing laboratory and MSSSI was told that the unit passed §15.209 general emission limits, but failed the §15.205(a) criterion for intentional emissions in restricted bands.)

Upon frequency redesign, the UWB device was again tested by the same laboratory, and MSSSI was notified that the unit was now fully compliant with §15.35, §15.205(a) and §15.209. The

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<sup>4</sup> Kissick, W.A., editor, "The Temporal and Spectral Characteristics of Ultrawideband Signals," U.S. Department of Commerce, NTIA Report 01-383, January 2001

<sup>5</sup> Kissick, W.A., Figure D-A-23, page D-A-14

<sup>6</sup> Kissick, W.A., Figure 8-3, page 8-5

new **UWB** device has an operational frequency range of 6.1 to 6.6GHz and an operational PRF of approximately 30 Hz. The unit was tested by the certification laboratory at its worst case PRF of 100 Kpps, which represented a **Lest** mode for the device. Final documentation processing for the device for **Part 15** certification was scheduled for May 15,2002.

On 15 May 2002, MSSl was notified by the certification laboratory that the FCC had held a teleconference the day before (on 14 May 2002) with all of its TCBs (Telecommunications Certification Bodies). The FCC notified the TCBs that it was now necessary to take into account pulse desensitization when considering pulsed emissions, regardless of the operational frequency of the device. **At** that point, MSSl contacted Mr. John Reed from the FCC's Office of Engineering and Technology (OBT) for clarification. Mr. Reed indicated that §15.35 was *to be* interpreted as limiting the *total peak power* for a Part 15 device to -21.25 dBm (*numerically 20* dB above the -41.25 dBm/MHz average limit), and that this limit was a "full bandwidth" limit. That is, -21.25 dBm represented the total peak power as measured in the full bandwidth of the pulse, **not** in the "greater than 1 MHz" bandwidth as specified in §15.35(b). Pulse desensitization correction was now necessary for *all* frequencies, irrespective of whether the emission fell above *or* below 1 GHz.

However, in its First Report and Order (FCC 02-48) for Ultra Wideband technology, the FCC **clearly** states:

“...we **believe** that our proposal to permit a peak emission within a 50 MHz RBW of only -21.25 dBm EIRP is too conservative. We believe that the peak **emission** level of 0 dBm/50 MHz, equivalent to 58 mV/m at 3 meters, requested by TDC **would** not result in harmful interference **problems** to communications systems. This level translates to a **peak** EIRP of -24.44 dBm/3 MHz or 3.6 μW/3 MHz, or to a peak field strength of 3.46 mV/m at [sic] measured at 3 meters with a 3 MHz RBW. **This peak level is 16.8 dB higher than the average level determined with a 1 MHz RBW and is 3.2 dB lower than the peak limit permitted under the current Part 15 rules.**” (Bold emphasis added.)

Thus, according to the UWB First Report and Order, 0 dBm/50 MHz peak EIRP is 3.2 dB lower than the peak limit permitted under current Part 15. Indeed, 0 dBm/50 MHz results in a peak field strength of 3,460 μV/m which is 3.2 dB below the 5,000 μV/m peak limit imposed by §15.35 if measured in a 3 MHz bandwidth. Note that §15.35 only specifies that the bandwidths exceed 1 MHz for measurements.

Now, if §15.35 limits are indeed -21.25 dBm for total full bandwidth power, consider a 500 MHz bandwidth UWB signal, the minimum bandwidth required above 3.1 GHz under the new rules. According to the new rules, the peak signal power can be 0 dBm/50 MHz, for a total full bandwidth power of +20 dBm. (Note that peak power increases as 20 log bandwidth.) This peak power, according to the FCC’s new “interpretation” of §15.35, is 41.25 dB higher than Part 15 “limits” (-21.25 dBm full bandwidth power). This is an obvious contradiction.

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<sup>7</sup> FCC 02-48, First Report and Order—Revision of Part 15 of the Commission’s Rules Regarding Ultra-Wideband Transmission Systems,” adopted February 14, 2002; released April 22, 2002.

Figure 1 graphically illustrates the problem with FCC's 15 May 2002 re-interpretation of §15.35.

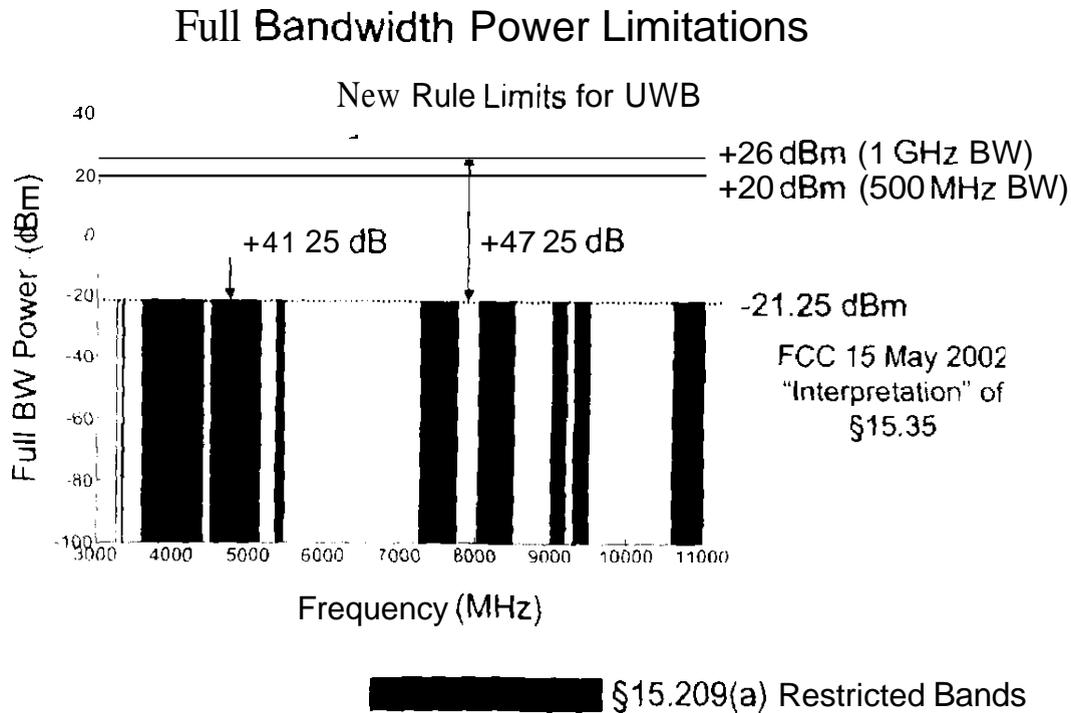


Figure 1. Inconsistencies between PCC re-interpretation of §15.35 and UWB R&O.

Thus, if pulse desensitization correction is required above 1 GHz, then UWB emissions under the new Subpart F would be a *minimum* of 41.25 dB or 13,335 TIMES HIGHER THAN EXISTING PART 15 LIMITS WITH THESE HIGHER EMISSIONS NOW OCCURRING IN PREVIOUSLY RESTRICTED BANDS. There is not a single comment relating to this issue in the entire UWB proceeding; nor do the FCC's briefing charts on the UWB R&O reflect this interpretation. Concerned spectrum users will indeed be shocked to learn what the actual approved UWB power levels represent. Thus, it must be concluded that the FCC's new "interpretation" of the existing law (i.e., §15.35 and §15.209) is inconsistent with the present UWB First Report and Order.

## Proposed Changes

The FCC must not arbitrarily and capriciously re-interpret existing Part 15 regulations, specifically §15.35 and §15.209

If the FCC now believes that pulse desensitization correction is required *above* 1 GHz, and that -21.25 dBm was the previous Part 15 limit on *full bandwidth peakpower*; then the peak power limit of 0 dBm/50 MHz as specified in the UWB First Report and Order is a minimum of 41.25 dB *higher* than that specified in Part 15. To be consistent with Part 15 and the vast record in this proceeding, the FCC must limit the *full bandwidth peakpower* of UWB emissions to -21.25 dBm, for there is no discussion in this docket of permitting emission levels (whether **peak** or average) higher than existing Part 15.

If the FCC wishes to retain the limitation of 0 dBm/50 MHz for UWB emissions as stated in the UWB First Report and Order; then it **is** imperative that the FCC correctly interpret §15.35(b) as not requiring pulse desensitization correction above 1 GHz. To clarify **this** issue, the FCC should modify §15.35(b) in the current First R&O to explicitly state this fact. Note that this interpretation would still maintain a limit on peak emissions (i.e., **no** greater than 20 dB above the maximum average emission), but would measure such emissions appropriately as *peak spectral density* as originally intended in the vast record of documents and testimony related to §15.35

#### **IV. THE FCC UNNECESSARILY RESTRICTS THE FREQUENCY OF OPERATION FOR LOW PRF UWB APPLICATIONS (E.G., VEHICULAR RADAR)**

Given peak power constraints as indicated in §15.509(f), §15.511(f), §15.513(f), §15.515(f),

§15.517(f) and §15.521(g); the lower the pulse repetition frequency (PRF), the lower the average power and, hence, the lower the probability for potential interference to other services. Indeed, as pointed out in numerous submissions into the record from NTIA, Stanford/DOT and others; low PRF systems (particularly those with PRFs **less than 100 Kpps**<sup>8,9</sup>), were particularly benign to extremely sensitive GPS receivers and had effects considerably less deleterious than even additive white Gaussian noise. Furthermore, as pointed out numerous times to the Commission in this Docket, low PRF UWB systems offer advantages – e.g., low probability of interference, multipath mitigation, high efficiency for extended battery life, etc. -- **which are** virtually unmatched by any other currently available form of wireless technology.”

Thus, it makes little sense for the FCC to restrict the operation of low PRF devices, e.g. vehicular radars, in the same region of the spectra (e.g., 3.1 to 10.6GHz) that it is considering for the use of high-speed communications devices which have been shown to have a significantly higher

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<sup>8</sup> Anderson, D S., E.F. Drocella, S.K. Jones and M.A. Settle. "Assessment of Compatibility between Ultrawideband (UWB) Systems and Global Positioning Systems (GPS) Receivers", NTIA Special Publication 01-45, Feb. 2001.

<sup>9</sup> J. Randy Hoffman, Michael ti. Coiron, Robert J. Achatz, Richard N. Stutz and Roger A. Dalke, "Measurements to Determine Potential Interference to GPS Receivers from Ultrawideband **Transmission Systems**", NTIA **01-384**, Feb. 2001

<sup>10</sup> Gunderson, S.J. et al., "Naval Total Asset Visibility (NTAV) Precision Asset Location (PAL)," Technical Report TR-2201-AMP. Naval Facilities Engineering Service Center, Port Hueneme, CA, May 2002. This 200+ page report documents the performance of low PRF UWB systems vs. conventional spread spectrum technologies *for* asset location applications in severe multipath conditions, and contains the **results** of **extensive** Government testing of UWB technology in real **world** environments.

potential for interference. MSSSI, NTIA and others have recommended to the Commission that limits be placed on the PRF within certain regions of the spectrum. Indeed, the use of UWB devices - irrespective of their functionality - having PRFs less than 100 Kpps has been demonstrated by the NTIA to pose significantly less of an interference problem than do communications devices, and should be permitted within the 3.1 to 10.6GHz region.

Furthermore, in its 13 February 2002 submission to this docket, the NTIA states:

*“Imaging systems, vehicular radar systems, and hand-held systems will be permitted to operate outdoors, provided the emissions in the GPS bands are below the Part 15 general emission limit.”<sup>11</sup>*

Thus, the FCC's restriction of UWB vehicular radars to the frequency band 22 -- 29 GHz is arbitrary, capricious and without basis in the facts presented to the Commission under the UWB NPRM.

#### Proposed Changes

Based upon established facts in this proceeding, the FCC should permit the general use of low PRF (<100 kpps) devices, including UWB vehicular radars, within the 3.1 to 10.6 GHz region of the spectrum.

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<sup>11</sup> “NTIA Summary Analysis of UWB Interference to GPS and Non-GPS Systems,” U.S. Dept. of Commerce, National Telecommunications and Information Administration, *ex parte* submission to Docket ET 98-153, 13 February 2002

V. **THE RULES PERMIT THE USE OF OTHER THAN "PULSED EMISSIONS WHERE THE BANDWIDTH IS DIRECTLY RELATED TO THE NARROW PULSE WIDTH"<sup>12</sup>, YET THE RECORD CONTAINS NO DISCUSSION OF THE RATIONALE FOR PERMITTING SUCH EMISSIONS**

In the UWB NPRM, the FCC stated:

*"We also request comment on whether we should define UWB devices as limited to devices that solely use pulsed emissions where the bandwidth is directly related to the narrow pulse width. We recognize that other types of modulation, such as linear sweep FM, could be employed to produce UWB equipment. However, we do not believe that we have sufficient information to propose limits and measurement procedures for such systems until more experience is gained. We believe that our initial rule making proposals should reflect a conservative approach. In addition, we request comment on whether extremely high speed data systems that comply with the UWB bandwidth requirements only because of the high data rate employed, as opposed to meeting the definition solely from the narrow pulse width, should be permitted."<sup>11</sup>*

No test results were submitted into the record for other than pulsed emissions. Indeed, no data was provided into the record for any systems with greater than an approximate 40 MHz pulse repetition frequency, nor for pulse widths greater than approximately 5 nanoseconds. Hence, all test data fell within the regime for systems in which the bandwidth was completely determined by the narrow pulse width and not the data modulation.

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<sup>11</sup> FCC 00-163, 'Notice of Proposed Rule Making - Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems,' 11 May 2000

Thus, the FCC's definition of "Ultra-wideband (UWB) Transmitter" [§15.503(d)], in which a UWB radiator is defined solely by means of its fractional or instantaneous bandwidth irrespective of the nature of the waveform, is inconsistent **with** the record, and runs contrary to the FCC's desire for a conservative approach as specified in its NPRM.

**As a specific example**, biphase-modulated, high data rate systems which utilize direct sequence techniques (i.e., high-speed chipping sequences), have not been adequately tested with respect to their potential interference effects.

### **Proposed Changes**

The FCC should modify §15.503(d) to be consistent with the record in this proceeding. Specifically, the wording must exclude *"highspeed data systems that comply with the UWB bandwidth requirements only because of the high data rate employed"* as no opportunity to comment on, **or to test**, such devices was provided in the proceeding. A recommended change to §15.503(d) is as follows:

*Ultra-wideband (UWB) transmitter.* **An** intentional radiator that, at any point in time, has a fractional bandwidth equal to or greater than 0.20 or has a UWB bandwidth equal to or greater than 500 MHz, regardless of the fractional bandwidth. Explicitly excluded are devices which achieve wide instantaneous bandwidths because **of** the use of high data rates; i.e., in which the bandwidth is modulation dependent.

## VI. THE NEW RULES CONFLICT WITH SPECTRUM MASKS FURNISHED BY THE FCC ON 14 FEBRUARY 2002

In its 14 February 2002 approval of the First R&O, the FCC supplied a set of spectrum masks which indicated emission limits for various devices approved under the order. For example, the spectral mask for indoor communications systems is shown in Figure 1 below, while the mask for imaging systems is illustrated in Figure 2<sup>13</sup>

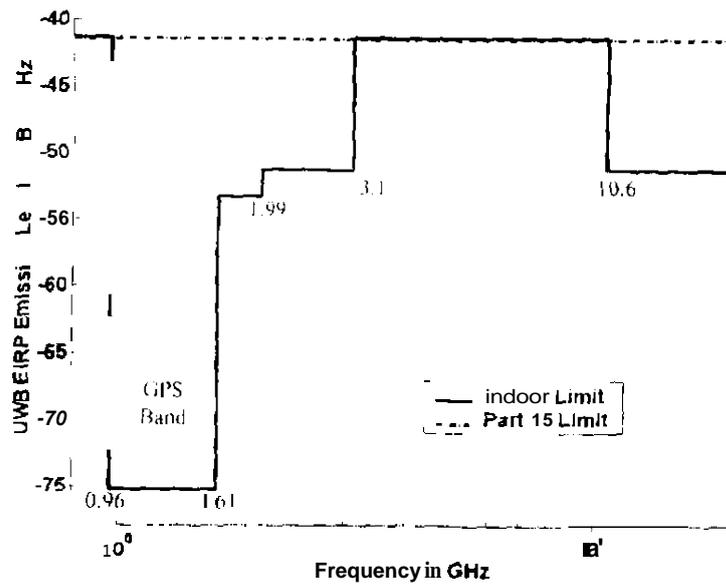


Figure 1. FCC Spectrum Mask for Indoor Communications Systems.

<sup>13</sup> Thomas, E., "Walk don't run – the first step in authorizing ultra-wideband technology," Plenary Session, 2002 IEEE Conference on Ultra Wideband Systems and Technologies, Baltimore, MD, 20-23 May 2002.

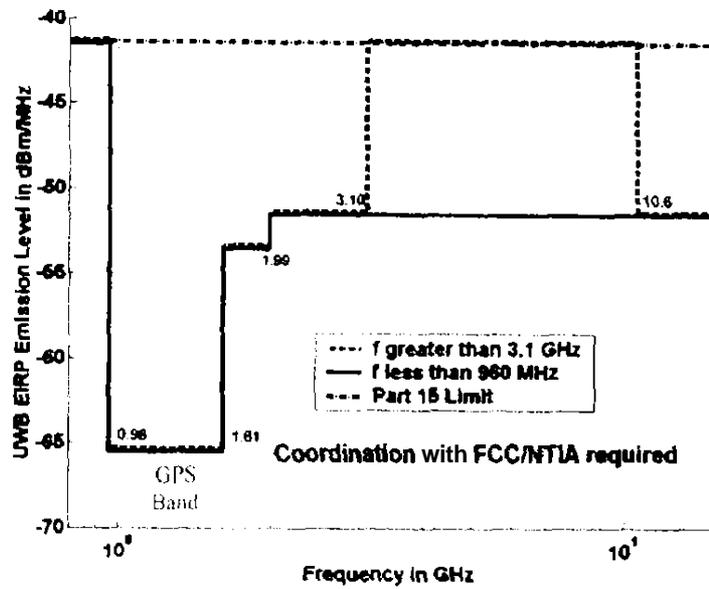


Figure 2. FCC Spectrum Mask for GPRs, Wall Imaging, & Medical Imaging Systems.

Note that, in all cases, only a single limit (500  $\mu\text{V}/\text{m}$ , or -41.25 dBm/MHz) was specified below 960 MHz.

However, this is inconsistent with the R&O wherein it is stated [e.g., §15.509(d), §15.511(d), §15.513(d), §15.515(d), §15.517(c) and §15.519(c)] that

*“The radiated emissions at or below 960 MHz from a device operating under the provisions of this section shall not exceed the emission levels in Section 15.209 of this chapter.”*

§15.209(a) specifically states that the emissions from an intentional radiator operating below 960 MHz must not exceed the following maximum field strengths:

<u>Frequency (MHz)</u>	<u>Field Strength (<math>\mu\text{V}/\text{m}</math>)</u>	<u>Measurement Distance (m)</u>
0.009 - 0.490	2400/F(kHz)	300
0.490- 1.705	24000/F(kHz)	30
1.705- 30.0	30	30
30 - 88	100	3
88 - 216	150	3
216 - 960	200	3

Thus, for example, in the frequency range 216 to 960 MHz, §15.209(a) specifies that *the* emissions must be 8.0dB **lower** than as specified in the Subpart F FCC spectrum masks. In the 30 to 88 MHz portion of the spectrum, emissions must be 14.0dB **lower**.

### **Proposed Changes**

While it may have been the FCC's intent to increase §15.209(a) general emission limits below 960 MHz, nothing in the record has been provided to support this increase. Thus, the FCC should clarify that the charts provided by OET do not correctly reflect the wording of Subpart F. To prevent confusion, it is recommended that the FCC explicitly include the above table in Subpart F.