

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

|  |   |                      |
|--|---|----------------------|
| In the Matter of                               | ) |                      |
|  | ) |                      |
| Revision of Parts 2 and 15 of the Commission's | ) | ET Docket No. 03-122 |
| Rules to Permit Unlicensed National            | ) | RM - 10371           |
| Information Infrastructure (U-NII) devices in  | ) |                      |
| the 5 GHz band                                 | ) |                      |
|  | ) |                      |

**COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (TIA) herein comments in response to the Notice of Proposed Rulemaking (NPRM) in the above-captioned proceeding.<sup>1</sup> TIA is the leading trade association representing the communications and information technology industry, with over 700 member companies that manufacture or supply the products and services used in global communications. Among their numerous lines of business, TIA member companies design, produce and deploy terrestrial and satellite wireless network and terminal equipment and thus are materially interested in the outcome of the issues before the Commission in this proceeding. TIA supports the Commission's proposal to amend Part 15 of its rules governing the operation of unlicensed National Information Infrastructure (U-NII) devices,<sup>2</sup> including Radio Local

---

<sup>1</sup> FCC 03-110 (released June 4, 2003).

<sup>2</sup> "Intentional radiators operating in the frequency bands 5.15-5.35 GHz and 5.725-5.825 GHz that use wideband digital modulation techniques and provide a wide array of high data rate mobile and fixed communications for individuals, businesses, and institutions." 47 C.F.R. § 15.403(i).

Area Networks (RLANs), in order to make available an additional 255 megahertz of spectrum in the 5.47–5.725 GHz band.<sup>3</sup>

Making spectrum available on an unlicensed basis is essential for continued innovation in a wide variety of products and applications that are important to consumers and businesses alike. Because the same can be said for systems operating on a licensed basis, a balanced approach is needed when spectrum is made available on both a licensed and unlicensed basis. A balanced approach promotes the public's access to the fullest range of innovative new wireless products and services. Unlicensed devices have a broad market potential, including the possible creation of flexible and inexpensive networks to serve businesses and consumers in both metropolitan and rural areas. At the same time, it must be recognized that they do not replace the ubiquitous, reliable and feature-rich solutions offered by licensed networks.

In making spectrum available for unlicensed devices, the technical framework must provide interference protection to other services. The use of unlicensed devices in encumbered bands must be subject to clear and enforceable service rules.

On April 12, 2002, TIA filed an *ex parte* letter<sup>4</sup> in support of the Petition for Rulemaking filed with the Commission by the Wireless Ethernet Compatibility Alliance (now known as the Wi-Fi Alliance) seeking an NPRM to amend Part 15 of the rules and allow for use of the 5.470-5.725 GHz band by Radio Local Area Networks (RLANs) and

---

<sup>3</sup> *NPRM*, at ¶¶ 1, 12.

<sup>4</sup> See Letter from Bill Belt, Telecommunications Industry Association, to Mr. William F. Caton, Acting Secretary, FCC, in RM-10371 (Apr. 12, 2002).

other unlicensed devices.<sup>5</sup> As the Commission noted, the majority of commenting parties expressed support for the Wi-Fi Alliance Petition.<sup>6</sup> The Wi-Fi Alliance at that time estimated that approximately 540 MHz of spectrum will be required by 2010 to meet consumer demand for increasingly resource-intensive applications, in particular RLANs, a growing segment of the broadband market.<sup>7</sup>

As noted in the Wi-Fi Alliance Petition, 5 GHz RLAN devices already are permitted to operate on an unlicensed basis in 300 MHz of spectrum at 5.15-5.35 GHz and 5.725-5.825 GHz. As was the case with the 1997 U-NII Order, TIA anticipates that incumbent users of the 5.470-5.725 GHz band would be protected with the minimum technical rules necessary to prevent interference.

The importance of globally harmonizing this spectrum allocation of course was recognized by the resolution adopted at the recent World Radiocommunication Conference 2003 (WRC-03). Extension of the U-NII rules to the 5.470-5.725 GHz band facilitates this end. The spectrum already allocated for 5 GHz unlicensed devices is aligned with spectrum allocated in Europe for High Performance Radio Local Area Networks (HiperLANs). Europe already has extended this use to the bands 5.470-5.725 GHz. TIA believes that “global harmonization and coordination of spectrum should be a priority, in order to ensure that businesses and consumers receive the benefits of

---

<sup>5</sup> See WECA Petition for Rulemaking, RM-10371, filed on January 15, 2002, Public Notice Report No. 2527, Jan. 29, 2002.

<sup>6</sup> NPRM, at ¶ 5.

<sup>7</sup> See WECA Petition, at 11-12.

economies of scale, interoperability among carriers, and seamless roaming across national borders.”<sup>8</sup>

The NPRM suggests a one-year transition period for implementing the new dynamic frequency selection (DFS) capability requirement for U-NII equipment operating in the 5.250 – 5.350 GHz band.<sup>9</sup> The NPRM proposes that the transition period begin from the date of publication of the Report and Order in the Federal Register. TIA, however, suggests that the one-year transition period instead begin from the date of publication of established product certification test procedures. We believe that this would more accurately reflect manufacturer design and production cycles.

As it moves ahead with this effort to allocate additional spectrum for unlicensed uses, TIA requests that the Commission take into consideration the views expressed above.

Respectfully submitted,

**Telecommunications Industry Association**

/s/ Derek R. Khlopin

Derek R. Khlopin  
Director, Law and Public Policy

Bill Belt  
Director, Technical Regulatory Affairs

Grant E. Seiffert  
Vice President, External Affairs & Global Policy

2500 Wilson Boulevard, Suite 300  
Arlington, Virginia 22201

---

<sup>8</sup> See TIA Spectrum Policy Principles, available at [http://www.tiaonline.org/policy/spectrum\\_prin.cfm](http://www.tiaonline.org/policy/spectrum_prin.cfm). See *NPRM*, at ¶ 1.

<sup>9</sup> *NPRM*, at ¶ 26.

September 3, 2003

(703) 907-7700