

HOGAN & HARTSON

L.L.P.

ORIGINAL

ARI Q. FITZGERALD
PARTNER
(202) 637-5423
AQFITZGERALD@HHLAW.COM

February 5, 2004

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910
WWW.HHLAW.COM

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FEB - 5 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-B204
445 Twelfth Street, S.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: ET Docket No. 03-102
Notice of Ex Parte Presentation

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, I am writing on behalf of the Short-Range Automotive Radio Frequency Allocation ("SARA") and Long Range Automotive Radio Frequency Allocation ("LARA") groups, two associations of automobile and vehicular radar manufacturers that deploy collision warning, collision mitigation and active safety systems on automobiles in the United States, to notify you of an oral *ex parte* communication between the undersigned and Sam Feder, Legal Advisor to Commissioner Martin, that occurred on February 4, 2004. In the *ex parte* communication, I reiterated the positions taken by SARA and LARA in their prior comments and *ex parte* communications in this proceeding. ^{1/}

In the *ex parte* communication I noted, in particular, that vehicular radar is a nascent technology still in the very early stages of deployment. I stated that regulatory certainty is critically important for vehicular radar's continued growth and success. I stated that these dramatic safety-enhancing systems are becoming available as a result of the hundreds of millions of dollars invested by the members of LARA and SARA in developing such systems, and noted that any adverse change in the Commission's rules would improperly upset the legitimate, investment-backed expectations of the manufacturers who have contributed the capital to make this technology possible, and limit significantly its potential road safety benefits. Finally, I urged that the Commission not take any action that would effectively impose an obligation on vehicular

^{1/} See Amendment of Part 2 of the Commission's Rules to Realign the 76-81 GHz band and the Frequency Range Above 95 GHz Consistent with International Allocation Changes, ET Docket No. 03-102, *Notice of Proposed Rulemaking*, FCC 03-90 (rel. Apr. 28, 2003). In the NPRM, the Commission proposed, *inter alia*, three new allocations for the 76-81 GHz band: radio astronomy, amateur-satellite, and space research. OK//

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radar devices to protect, or tolerate interference from, the proposed new services, or that would require a reduction in the current permitted vehicular radar emission levels.

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", with a large, sweeping flourish underneath.

Ari Q. Fitzgerald
Counsel for SARA and LARA

AQF/bg

Enclosures

cc: Sam Feder
Ed Thomas
Geraldine Matise
Alan Scrim
Bruce Romano
Ira Keltz
Tom Derenge
Shameeka Parrott