

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

In the Matter of	)	
	)	
Review of the Spectrum Sharing Plan Among	)	IB Docket No. 02-364
Non-Geostationary Satellite Orbit Mobile Satellite	)	
Service Systems in the 1.6/2.4 GHz Bands	)	
	)	
Amendment of Part 2 of the Commission’s Rules	)	ET Docket No. 00-258
to Allocate Spectrum Below 3 GHz for Mobile	)	
and Fixed Services to Support the Introduction of	)	
New Advanced Wireless Services, including	)	
Third Generation Wireless Systems	)	

**REPLIES OF MATSUSHITA ELECTRIC CORPORATION OF AMERICA**

Matsushita Electric Corporation of America and its subsidiaries and affiliates (“Panasonic”) respectfully submit these comments in response to the Petitions for Reconsideration and Clarification<sup>1</sup> and oppositions thereto of the Fourth Report and in the above referenced proceeding.<sup>2</sup>

**INTRODUCTION**

Panasonic urges the Commission to reject the petitions for reconsideration of Nextel Communications, Inc. (“Nextel”), the Wireless Communications Association International (“WCA”) and Sprint Corporation (“Sprint”) to revise Part 18 of the Commission’s Rules to require Industrial, Scientific and Medical (“ISM”) devices comply with the radiated emissions

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<sup>1</sup> See *Public Notice*, Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings, Report No. 2675 (rel. October 5, 2004). The *Public Notice* was published in the Federal Register on October 12, 2004 (69 Fed. Reg. 60626 (2004)).

<sup>2</sup> Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands, IB Docket No. 02-364 and ET Docket No. 00-258, Report and Order, *Fourth Report and Order and Further Notice of Proposed Rulemaking*, FCC 04-134, (rel. July 16, 2004) (“*Fourth R&O*”).

limits for intentional radiators set forth under Section 15.209 of the Commission's Rules. Panasonic supports the reply comments of the Association of Home Appliance Manufacturers ("AHAM"), which recommends that the Commission reject these petitions as overly burdensome, contrary to established FCC policy goals and international agreements, and not in the public interest.

## **BACKGROUND**

Matsushita Electric Corporation of America ("MECA") is the principal North American subsidiary of Matsushita Electric Industrial Co. Ltd., a world leader in electronics and wireless telecommunications technology. MECA and its subsidiaries and affiliates (hereinafter "Panasonic") manufacture and distribute a wide range of consumer electronics, information technology, and other electronic products. Panasonic has over 90 business locations in North America, including 11 manufacturing facilities - employing approximately 22,000 people. Panasonic is an industry leader in producing consumer and industrial microwave products and is a major supplier of the magnetron tubes used to manufacture microwave ovens.

## **DISCUSSION**

### **A. These petitions would be overly burdensome for manufacturers of Microwave Ovens**

The changes contemplated to the current Part 18 regulatory framework governing Microwave ovens would unduly burden manufacturers by imposing unanticipated research, development, design and retooling costs. Ultimately, this would adversely impact American consumers. The proposed imposition of Part 15 limits on ISM products could not be accomplished without a significant cost increase for microwave ovens. Complying with such limits would require a crash program in research and development to devise new and perhaps

novel techniques to limit in-band emissions, which, other than those imposed by the FDA, have heretofore never been required.

The global harmonization of regulation for ISM products has enabled Panasonic to develop and market products worldwide. It is inconceivable that Panasonic could produce radically different products just for the United States market without being forced to pass along a substantial cost increase to consumers. Because microwave ovens are a high-volume, low-margin product in the United States, any changes to Part 18 regulation should be harmonized with the rest of the world so that American consumers can continue to purchase and enjoy the wide range of microwave oven products with outstanding value and reasonable pricing, as they are able to do today.

In this regard, the proposed deadline of December 31, 2006, is grossly inadequate to undertake the kind of work that would have to be accomplished to transition a global product line of Microwave Ovens into compliance with the proposed emission limits. The petition by Nextel notes that “In fairness to ISM manufacturers, new ISM emissions limitations into the 2495-2500 MHz band should allow sufficient time for ISM developers to transition product lines; two years should provide ample time for manufacturers to transition product lines, if necessary.”<sup>3</sup> This rather naïve assessment reflects the petitioners’ lack of understanding of the extent that Microwave Oven design would have to change to comply. The Commission would be ill advised to accept this recommendation, and should reject the petitions as overly burdensome on manufacturers and consumers.

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<sup>3</sup> Nextel petition at p. 11

## **B. Marketplace actions can mitigate the most severe interference.**

Panasonic has extensive experience as a manufacturer of many kinds of Part 15 devices that operate in the 2.4 GHz band, and we support the Commission's actions to minimize interference where feasible. In this case, however, it is not clear that the marketplace will fail to regulate itself. The most severe interference will occur closest to the microwave oven and thus on the consumer's own premises, where the Commission has the least concern but the consumer will be most alert. If consumers discover that interference is worst when the microwave oven is operating, consumers can take other actions (such as moving the mobile receiver to another location in the home) to avoid the interference. And, if consumer publications and BRS providers educate consumers on such problems, consumers can install their base station in a location shielded or distant from the microwave oven's emissions. Since these accommodations are quite feasible and cost effective, it seems grossly unfair to saddle all consumers with the significant cost penalties necessary to comply with the proposed emission limits.

## **III. Conclusion**

Accordingly, Panasonic fully supports AHAM's reply comments and requests that the FCC act in accordance with the views expressed therein.

Respectfully submitted,

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November 8, 2004