

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Rohde & Schwartz USA, Inc.)	
)	
Request for Waiver of Sections)	ET Docket No. 19-88
15.205 and 15.231 of the)	
Commission's Rules)	

REPLY COMMENTS

Rohde & Schwarz USA, Inc. ("Rohde & Schwarz") hereby replies to the comments submitted on its request for waiver of Sections 15.205 and 15.231 of the Commission's Rules to permit certification of the QPS 201 Personnel Security Scanner ("QPS 201 PSS").¹ In its waiver request, Rohde & Schwarz demonstrated that there would not be any adverse effects from the waiver, and that the public interest would be well-served by grant of the request. Only one party filed substantive comments in response to the *Public Notice* -- the National Academy of Sciences, through its Committee on Radio Frequencies (hereinafter, "CORF").²

In its comments, CORF raised concerns regarding potential interference by the QPS 201 PSS to protected radio astronomy observations at 76-81 GHz. CORF also suggested conditions that would apply to the waiver to protect against any such interference. Rohde & Schwarz believes that the low power of the QPS 201 PSS transmitters, the directionality of those

¹ The Commission opened a Docket and initiated a proceeding to gather comments on the Rohde & Schwarz waiver request. *Public Notice*, DA 19-227, ET Docket No. 19-88, released March 28, 2019.

² In addition, James Edwin Whedbee filed an Express Comment supporting grant of the waiver request.

transmissions and terrain shielding of the radio telescopes should limit the risk of harmful interference. Indeed, the Commission determined that these factors were sufficient to mitigate the risk of harmful interference to radio astronomy observations when it authorized automotive radars to operate in the 76-81 GHz band.³

Nevertheless, Rohde & Schwarz acknowledges the hyper-sensitivity of the potentially affected radio telescopes, as well as the importance of the research those radio telescopes are used to conduct. Thus, out of an abundance of caution and in order to expedite grant of this waiver, Rohde & Schwarz does not object to the Commission's initially imposing a condition as suggested by CORF that would prohibit outdoor use of the QPS 201 PSS within 70 kilometers of the U.S. observatories indicated in the CORF comments.⁴ Rohde & Schwarz will include language in the operator's manual to specify this limitation. Rohde & Schwarz will also provide CORF with a 24-hour point of contact in case any interference issues arise. Rohde & Schwarz additionally intends to work directly with CORF and conduct testing, if necessary, to determine

³ *Amendment of Parts 1, 2, 15, 90 and 95 of the Commission's Rules to Permit Radar Services in the 76-81 GHz Band*, 32 FCC Rcd 8822 (2017) at ¶¶ 19-24. As the Commission observed at n. 82:

Vehicular radar sensors are generally mounted on vehicles near the ground, with downward directed transmissions, resulting in significant angular attenuation of the signal towards an observatory's antenna. These factors, along with the high free space path loss associated with transmissions in this frequency band (*see supra* note 62) and the widespread shielding typically provided by the terrain in the remote RAS observatory locations, support our finding that vehicular radar operations in the 77.5-78 GHz band will not have any more potential to cause harmful interference to RAS operations in the 76-81 GHz band than vehicular radars that now operate in the 76-77 GHz band, and have not caused harmful interference to RAS operations in the 76-81 GHz band. Significantly, while vehicular radars will be operating in a larger bandwidth and likely in increased numbers, the fundamental characteristics and nature of their use is not changing.

⁴ CORF Comments at p. 3 (identifying the Green Bank Observatory in West Virginia, the Kitt Peak Observatory in Arizona, the James Clerk Maxwell Telescope on Mauna Kea in Hawaii, and in the longer term, the Next Generation Very Large Array antennas in New Mexico and Texas).

whether this condition can be modified or eliminated. Rohde & Schwarz will subsequently file a petition to modify the waiver grant if this coordination is successful.

In light of the demonstrated public interest benefits from the proposed operations of the QPS 201 PSS, and the absence of any risk of harmful interference, particularly with the condition suggested by CORF, Rohde & Schwarz urges the Commission to grant the requested waiver expeditiously.

Respectfully submitted,

By: _____/s/

Stephen L. Goodman

Butzel Long, PLLC

1909 K Street, NW Suite 500

Washington, DC 20006

(202) 454-2851

goodman@butzel.com

Counsel for Rohde & Schwartz USA, Inc.

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