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May 29, 2019

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Written Ex Parte Presentation
WT Docket No. 17-352**

Dear Ms. Dortch:

On October 27, 2017, Echodyne Corp. (Echodyne) filed a request for waiver of the U.S. Table of Allocations and the rules applicable to Aviation Services under Part 87 of the Commission's Rules in order to deploy radar transmitting devices in the 24.45-24.65 GHz band for various radiolocation applications.¹ On December 11, 2017, the FCC's Wireless Telecommunications Bureau placed the *Waiver Request* on public notice.² Comments filed in response to *Public Notice* were supportive of Echodyne's request; there were no statements of opposition submitted.³

To alleviate concerns regarding long-term operation under the waiver authority, Echodyne recommended that its requested waiver be subject to the following conditions:⁴

Secondary Status: Stations authorized pursuant to the waiver would have secondary status and must not cause interference to primary users and must accept any interference received from other authorized users.

Term: Echodyne proposed that stations authorized pursuant to a waiver be granted a full 10-year license term with provisions for renewal or, in the alternative, a 5 year term that

¹ See Request by Echodyne Corp. for Waiver of Section 2.106 and Sections 87.471 and 87.475 of the Commission's Rules (filed Oct. 27, 2017) (*Waiver Request*).

² Wireless Telecommunications Bureau Seeks Comment On Echodyne Corporation Request For Waiver To Permit Licensing And Use Of Ground-Based 24.45-24.65 GHz Radar, DA 17-1190, December 11, 2017 (*Public Notice*)

³ Comments of U.S. Border Patrol, WT Docket No. 17-352, DA 17-1190 (filed Dec. 13, 2017); Comments of In-Q-Tel, WT Docket No. 17-352, DA 17-1190 (filed Jan. 9, 2018); Comments of AT&T Services, Inc., WT Docket No. 17-352, DA 17-1190 (filed Jan. 25, 2018).

⁴ *Waiver Request* at 6, 7.



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could be renewed if there are no unresolved instances of harmful interference. Echodyne proposed a 10-year term for the waiver itself.

Limited Number of Units: Echodyne proposed that up to 20,000 individual stations could be authorized under the waiver during the first 5 years of the waiver. After 5 years, this limit could be removed for the remaining term of the waiver provided that there are no unresolved instances of harmful interference.

License Required: Ground-based stations authorized pursuant to the waiver would be subject to the relevant FCC application and licensing processes.

Equipment Approval Requirement: Echodyne's devices would be certified under the similar technical requirements as its airborne detect and avoid radar operating in the same band.

Commenting parties did not take any issue with any of these proposed conditions as expressed in the *Waiver Request*.

Recently, Echodyne has been in discussions with the Federal Aviation Administration ("FAA") about the above proposed terms included in the *Waiver Request*. As the 24.45-24.65 GHz band is allocated for both Government and Non-Government radionavigation services, Echodyne recognizes that the FAA is a stakeholder in how this band is to be utilized in the future. During these discussions with the FAA, Echodyne agreed to reduce the number of non-government radar devices that could be authorized under the proposed waiver from 20,000 to 15,000 units. In addition, while Echodyne expects that real-world experience will demonstrate the compatibility of radiolocation operations with in-band radionavigation operations, Echodyne is now willing to withdraw its ancillary proposal that the unit limit be removed after 5 years if there are no unresolved instances of harmful interference.

This notification is submitted in accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206. Please let me know if there are any questions about this submission.

Sincerely,

/s/ Michael A. Lewis

Michael A. Lewis
Senior Engineering Advisor
DLA Piper LLP (US)