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Before the

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of the Commission's)
Rules to Establish New Personal)
Communications Services)

GEN Docket No 90-314
ET Docket 92-100

92-100

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

RESPONSE TO APPLE COMPUTER, INC.'S
EMERGENCY PETITION

Hewlett-Packard Company ("HP") hereby submits this Response to the Emergency Petition of Apple Computer, Inc. ("Apple") in the above-referenced proceeding. Hewlett-Packard broadly welcomes the Second Report and Order. We believe that the allocation of 160 MHz of radio spectrum will constructively expand the market with both licensed and unlicensed services. In particular we appreciate the allocation of 40 MHz for unlicensed services. The Second Report and Order forms a good basis upon which to build a strong market in single and multi-media mobile applications addressing the needs for new forms of personal communications. HP is clearly in favor of "dual use" (asynchronous and isochronous) nomadic applications.

HP, however, disagrees with the Apple position that either extra bandwidth, or any other special treatment be afforded to solely asynchronous "nomadic" applications.

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The distinction between "fixed" and "nomadic" is not meaningful. All unlicensed PCS must be treated as "nomadic" if it is to succeed commercially.

The communications revolutions envisioned by this proceeding will be greatly hampered to the extent it becomes necessary for consumers of unlicensed PCS products to apply for frequency coordination prior to installation or use. Virtually every product envisioned for the PCS band is otherwise suitable for sale through a low-cost dealer-type distribution network. The lack of control of the ultimate location of a PCS device is not limited to manufacturers of what Apple has termed "nomadic-data" devices. No PCS device can afford the burden of frequency coordination.

The issue for the Commission to rightly consider is whether the vast economic and other benefits of the 1910-1930 Mhz band will accrue to the proponents of asynchronous or isochronous systems. Neither system is more "nomadic" than the other. Products of either system may "turn up" anywhere. Special treatment ought not be afforded only to data PCS, since all PCS systems can benefit equally from access to the 1910-1930 MHz band.

The use of the term "nomadic" obscures the fact that the vast majority of such applications are "face-to-face" and do not require radio spectrum at all.

While we are not opposed to a truly nomadic service, we believe that a different technical

solution for ad-hoc peer-to-peer communications is preferable, namely InfraRed communication as envisioned by the InfraRed Data Association. HP believes that short distance InfraRed communications will provide a high quality technical solution for ad-hoc networks that will meet the majority of the user's needs.

In its petition, Apple argues that the less crowded band from 1910 to 1930 MHz be allocated entirely or almost entirely to asynchronous data uses. It bases this conclusion on its belief that the impromptu data-sharing workgroup can arise anywhere, and anytime, and must be assured of clear bandwidth in which to operate. We disagree that such a generous allocation of bandwidth is necessary when alternative technologies are available.

The impromptu data-sharing workgroup is often also a face-to-face workgroup. Because of this fact, the sharing of data can often be accomplished easily and without use of the radio spectrum at all. For instance, a simple wire may be passed from computer to computer; additionally, other technologies, such as Infrared light transmission are available for sharing of data when parties are face-to-face. It is precisely when the parties are NOT face-to-face that their need to use the radio spectrum arises.

If the Commission is to consider any reallocation of frequencies after the Second Report and Order, it should consider allocating more cleared bandwidth to "dual use" (asynchronous and isochronous).

Fully featured PCS devices will be capable of numerous functions bridging the gap between voice and data. HP believes that the demand for such multifunctional devices will increase rapidly, and that demand for unlicensed isochronous communications will exceed that for asynchronous.

Respectfully submitted,

HEWLETT-PACKARD COMPANY

A handwritten signature in black ink, appearing to read "Cynthia Johnson", written in a cursive style.

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