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Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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Amendment of Section 15.247 of the Commission's Rules on Spread Spectrum Operations	))))	RM-8608 RM-8609

TO: The Commission

COMMENTS OF TEL-A-TECH COMMUNICATIONS, INC.

Tel-A-Tech Communications, Inc. ("Tel-A-Tech"), by its counsel, submits the following comments in response to the Petitions for Rule Making filed by Symbol Technologies, Inc. ("Symbol") and SpectraLink Corporation ("SpectraLink"), concerning spread spectrum technology:

1. Tel-A-Tech is a firm involved in the design of spread spectrum technology, including wireless telephony and other interactive services. Accordingly, Tel-A-Tech has an interest in the orderly development of the Commission's spread spectrum rules.

2. Section 15.247(a)(1)(i) of the Commission's rules now requires frequency hopping systems in the 902-928 MHz band to use at least 50 hopping frequencies with a maximum bandwidth of 500 kHz. SpectraLink proposes to amend the rules to allow

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frequency hopping systems to use a minimum of 25 hopping frequencies, so long as systems using less than 50 frequencies reduce their power from 1 watt to 500 mW.

3. Section 15.247(a)(1)(ii) of the Commission's rules now requires frequency hopping systems in the 2400-2483.5 band to use at least 75 hopping frequencies with a maximum bandwidth of 1 MHz. Symbol proposes to amend the rules to allow frequency hopping systems to use a minimum of 15 frequencies so long as their bandwidths do not overlap.

4. Tel-A-Tech submits that the Commission should not make a decision based solely on the Symbol and SpectraLink petitions and the comments on those petitions. Instead, the Commission should address the question of increasing the flexibility of service available to spread spectrum users only by initiating a formal rule making proceeding. As the Commission itself noted, "the proposals in these proceedings are highly technical and potentially controversial." Order Granting Additional Time For Comments, DA 95-653 (OET March 30, 1995). If the Commission is going to consider changing its rules in such a complex area, it should examine the details of all proposals carefully, based on the fullest possible record. Such a full record can be obtained only after a notice of proposed rule making is issued, and the Commission has received comments to that notice. In the absence of a more complete record, neither the Commission nor spread

spectrum users can fully ascertain the "real world" impact of the petitions.

5. In support of its position, Tel-A-Tech notes that the Commission previously has issued spread spectrum rules only after formal rule making proceedings have been conducted. See, e.g., Report and Order, 5 FCC Rcd 4123 (1990); Notice of Proposed Rule Making, 4 FCC Rcd 6370 (1989); First Report and Order, 4 FCC Rcd 3493 (1989); Notice of Proposed Rule Making, 2 FCC Rcd 6135 (1987); First Report and Order, 101 FCC 2d 419 (1985); Further Notice of Inquiry and Notice of Proposed Rulemaking, 98 FCC 2d 380 (1984). That is clearly the appropriate course to follow to determine the public interest where such complex technical issues are involved.

6. Tel-A-Tech believes that a full record compiled pursuant to a formal rule making proceeding will establish that much greater flexibility for spread spectrum use than the Symbol and SpectraLink petitions propose can be accomplished without adverse consequences. Such a result would be consistent with the Commission's consistent goal to "increase the flexibility for design of Part 15 spread spectrum systems and thereby broaden their development and use." Notice of Proposed Rule Making, supra, 4 FCC Rcd at 6370.

7. For the foregoing reasons, Tel-A-Tech submits that the Commission should not address the Symbol and SpectraLink

petitions on the merits without issuing a formal notice of proposed rule making.

Respectfully submitted,

TEL-A-TECH COMMUNICATIONS, INC.

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April 7, 1995

CERTIFICATE OF SERVICE

I, Joan M. Trepal, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, hereby certify that on this 7th day of April, 1995, copies of the foregoing "Comments of Tel-A-Tech Communications, Inc." were sent by first class mail, postage prepaid, to the following:

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