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

In the Matter of	)	
	)	
Amendment of Part 15 of the Commission's Rules to Reduce the Spectral Occupancy of Frequency Hopping Spread Spectrum Devices	)))	RM-8609

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REPLY COMMENTS
OF APPLE COMPUTER, INC.

Apple Computer, Inc. ("Apple") hereby submits its reply comments in response to the Petitions for Rulemaking filed by SpectraLink Corporation ("SpectraLink") and Symbol Technologies, Inc. ("Symbol").[1]

The comments filed in response to these petitions reflect unanimous support for SpectraLink's request that the Commission institute a rulemaking to amend Section 15.247(a)(1)(i) and Section 15.247(b) of the rules to permit devices operating in the 902-928 MHz band to use a smaller number of hopping channels (subject to a reduced maximum peak output power for such devices).

The responses to Symbol's petition were, however, somewhat more mixed. A few parties opposed the changes proposed by Symbol, while others agreed with Symbol's objectives but questioned whether its proposed amendments would achieve those objectives.

In light of the different responses to the two petitions, Apple urges the Commission to decouple the proceedings and promptly to adopt a Notice of Proposed Rulemaking addressing SpectraLink's proposal. This approach will enable the Commission to address SpectraLink's petition more quickly, avoiding delays that are likely to be associated with the Symbol proposal, and thereby respond in a timely fashion to changes in the 902-928 MHz band resulting from

1 SpectraLink Corporation Petition for Rulemaking, RM-8609 (filed January 18, 1995); Symbol Technologies, Inc. Petition for Rulemaking, RM-8608 (filed December 6, 1994). Because the SpectraLink and Symbol Petitions involve related issues, Apple is addressing the petitions jointly. To avoid confusion, however, Apple is filing an identical copy of these reply comments in both RM-8608 and RM-8609.

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the Commission's decision in PP Docket No. 93-61.[2] Moreover, this approach is entirely consistent with the Commission's general approach to Part 15 of the rules, which contain many rule sections addressing particular unlicensed bands or modes of operation in a band or set of bands.[3]

With respect to Symbol's petition, Apple continues to support Symbol's objectives, but agrees with other petitioning parties that the proposal as currently drafted requires further consideration to determine whether an approach can be developed that achieves the intended result (higher date throughput and harmonization with European standards) without adversely affecting other users (both LAN and non-LAN) of the 2400-2483.5 or 5725-5850 MHz bands.[4] Apple takes issue with Aironet's implied assertion that current allocations and existing rules are adequate to meet present and future demand for wireless LANs. However, Apple agrees with Aironet and others that this effort to accommodate higher-speed wireless LANs within the ISM bands cannot be done at the expense of others sharing these bands. In addition, Apple believes that consideration of Symbol's petition must take place in a broader context that recognizes other developments, such as the allocation of the 2390-2400 MHz band for asynchronous unlicensed devices, the Commission's proposal to allocate as much as 8.5 GHz of spectrum above 40 GHz for unlicensed use, as well as proposals to dedicate spectrum in the 5 GHz band for HiperLAN-type networks.

CONCLUSION

For the reasons discussed herein, Apple urges the Commission promptly to initiate a rulemaking to modify the rules governing the 902-928 MHz in order to permit spread spectrum devices operating in this band to use as few as 25

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[2] Given the strong support for SpectraLink's petition and the importance of acting quickly to make appropriate changes to the rules governing the 902-928 MHz band in light of the Commission's LMS decision, Apple also urges the Commission to look favorably on waiver requests filed while a formal rulemaking is proceeding that are consistent with SpectraLink's proposal.

[3] For example, Section 15.247 already specifies hopping rules for the 902-928 MHz band that are different from the hopping rules for other ISM bands.

[4] In this context, it may be advantageous to consider possible alternative numbers of hopping frequencies, as well as changes in output power for increased-bandwidth transmissions. In addition, Apple does not believe that Symbol has yet cured the defect described in footnote 8 of Apple's comments (*i.e.*, that the change as drafted, even with Symbol's clarification, would not necessarily increase throughput).

hopping channels (subject to a maximum peak output power of 500 mW for devices using between 25 and 50 channels). In addition, Apple encourages the Commission, as part of a separate proceeding, to further examine the issues raised by Symbol, with the objective of better exploiting the 2400 MHz and 5800 MHz bands, particularly for higher-speed data, without adversely affecting others using the bands.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply Comments of Apple Computer, Inc. was sent by first-class mail, postage prepaid, this 24th day of April, 1995, to each of the following:

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