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October 16, 1996

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EX PARTE

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

Re: MM Docket No. 95-177

Dear Mr. Caton:

This letter reports that representatives of the Critical Care Telemetry Group ("CCTG"),<sup>1</sup> including the undersigned, met today with a number of representatives from the Commission's Office of Engineering and Technology, including Lynn Remly, Michael Marcus, Karen Rackley, Anthony Serafini, and Robert Eckert, as well as with Elliot Maxwell and Lygeia Ricciardi from the Commission's Office of Plans and Policy, to discuss issues relating to medical telemetry operations. The foregoing individuals, with the exception of Elliot Maxwell and Lygeia Ricciardi, were given copies of the attached document. The CCTG's presentation is otherwise reflected in written submissions that already are part of the record in this docket.

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<sup>1</sup> CCTG consists of Hewlett-Packard Company Medical Products Group, Marquette Electronics, Inc., Siemens Medical Systems, Inc., SpaceLabs Medical, Inc., and Vitalcom.

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If there are any questions with respect to this matter, please contact the undersigned.

Sincerely,

  
Henry Goldberg

Attachment

cc: Lynn Remly  
Michael Marcus  
Karen Rackley  
Anthony Serafini  
Robert Eckert  
Elliot Maxwell  
Lygeia Ricciardi

# PHILIP A. RUBIN & ASSOCIATES, INC.

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## ENGINEERING STATEMENT

On May 2, 1995, Rubin, Bednarek & Associates, Inc. ("RBA") submitted an engineering statement ("Engineering Statement") in support of the Critical Care Telemetry Group's Supplement to Petition for Rule Making in ET Docket No. 95-177. The supplemental petition was filed in response to a request from Commission Staff to CCTG to provide information concerning the impact of the Commission's advanced television ("ATV") plan<sup>1</sup> on the availability and use of UHF TV frequencies for biomedical telemetry.

In the Engineering Statement, RBA analyzed the availability of UHF television channels for biomedical telemetry after the proposed allocation of one new 6 MHz channel to each existing television licensee. The statement concluded that in the 20 major television markets excluding San Francisco, there would be at least two UHF television channels within channels 20-50 on which operation of a biomedical telemetry system would be possible while maintaining a 113.2 km co-channel separation distance from television licensees. The analysis also noted that VHF TV and other UHF TV channels below 20 or above 50 might also be available.

Since the Engineering Statement was submitted, the Commission issued a new draft digital television ("DTV") channel allocation plan in August 1996<sup>2</sup>. At the request of CCTG, Philip A. Rubin & Associates, Inc. (the successor to RBA), has performed a similar analysis using the new allocation plan to see whether the findings of the Engineering Statement have changed. We report our findings here.

<sup>1</sup> Memorandum Opinion and Order/Third Report on Order/Third Further Notice of Proposed Rulemaking, MM Docket No. 87-268, 7 FCC Rcd. 6924, 6926 (1992).

<sup>2</sup> Sixth Further Notice of Proposed Rule Making, MM Docket No. 87-268, 11 FCC Rcd 10968 (1996).

The same criteria were used in both studies:

- The 20 top TV markets were considered;
- A single latitude and longitude were used for each market area;
- Only channels 20-50 were considered, both NTSC and DTV;
- The criteria for availability - if a channel/station is further than 113.2 km (70.34 miles) from the market area, then that NTSC channel and allotted DTV channel are available (no interference mitigation factors were considered).

The FCC allotment table used for May 1995 Engineering Statement included the latitude and longitude of each channel/station. The August 1996 table supplied no latitude and longitude information. Therefore, a latitude/longitude association had to be made. For this study, the latitude and longitude from the May 1995 study was used.

In performing the latitude/longitude association, it was noted that approximately 400 fewer entries were listed in the August 1996 table than in the one used in May 1995. Based on discussions with the FCC personnel who generated the tables, there are two reasons for the differences.

- Approximately 300 non-commercial allotments were not included in the new allotment table.
- About 100 applications which were in force for the 1995 study had expired before August 1996 was done.

The results still indicates the availability of at least two channels in each market area except San Francisco. However, in the case of San Francisco, that market area now does have one available channel where previously it had none. The results of this study are contained in the attached table.

  
Philip A. Rubin, P.E.

October 16, 1996



## VACANT CHANNEL AVAILABILITY (BETWEEN 20 - 50)

<b>New York, New York</b>	
May 1995	- 20 22 24 26 29 30 32 34 35 46
August 1996	- 20 26 29 30 32 35 46 48
<b>Los Angeles, California</b>	
May 1995	- 20 21 23 27 29 33 42 45
August 1996	- 20 23 29 39 42
<b>Chicago, Illinois</b>	
May 1995	- 22 23 24 28 30 34 35 36 39 42 43 45 46
August 1996	- 22 24 28 30 33 34 35 36 39 40 42 45 46
<b>Philadelphia, Pennsylvania</b>	
May 1995	- 20 21 25 27 28 33 38 41 42 44 45 47
August 1996	- 20 22 27 28 33 38 41 42 44 45 47
<b>Detroit, Michigan</b>	
May 1995	- 22 23 26 27 29 32 34 35 40 42 43 47 48 49
August 1996	- 22 23 26 32 35 39 40 46 47 48 49
<b>Boston, Mass.</b>	
May 1995	- 22 24 26 29 32 35 40 42
August 1996	- 26 29 31 35 40 42 45
<b>San Francisco, California</b>	
May 1995	-
August 1996	- 46
<b>Cleveland, Ohio</b>	
May 1995	- 22 24 26 32 35 38 40 42 44 46 48
August 1996	- 22 24 26 30 32 35 38 40 42 44 50
<b>Washington, DC</b>	
May 1995	- 21 25 31 33 42 43 46 47 49
August 1996	- 21 23 25 27 31 42 43 44 47 49
<b>Pittsburgh, Pennsylvania</b>	
May 1995	- 20 23 25 31 32 34 35 39 43 44 46 47
August 1996	- 20 23 31 32 35 39 41 44 47 48 49
<b>St. Louis, Missouri</b>	
May 1995	- 20 23 25 26 27 29 31 33 35 36 38 41 42 43 45 47 48 49 50
August 1996	- 20 22 23 25 27 28 29 31 32 33 36 38 39 40 42 43 44 45 49 50
<b>Dallas/Fort Worth, Texas</b>	
May 1995	- 22 25 28 32 34 35 40 42 46 50
August 1996	- 20 22 25 26 28 34 40 44 48
<b>Minneapolis, Minnesota</b>	
May 1995	- 20 21 22 24 27 31 32 34 35 38 39 40 42 43 44 46 47 48 49 50
August 1996	- 20 24 25 31 35 36 38 39 42 43 46 47 48 49
<b>Baltimore, Maryland</b>	
May 1995	- 21 25 28 31 46
August 1996	- 21 23 25 27 31

**VACANT CHANNEL AVAILABILITY (BETWEEN 20 - 50)**  
**(Continued)**

<b>Houston, Texas</b>													
May 1995	-	21	25	31	33	34	36	40	42	46	50		
August 1996	-	21	23	25	33	34	36	40	50				
<b>Indianapolis, Indiana</b>													
May 1995	-	21	22	27	31	33	35	38	39	41	43	45	47 48 50
August 1996	-	22	24	26	28	31	33	34	36	38	39	41	43 45 48 50
<b>Cincinnati, Ohio</b>													
May 1995	-	20	21	23	25	27	28	30	32	34	38	40	42 44 46 49 50
August 1996	-	21	23	25	27	32	35	36	38	40	42	44	46 47 49
<b>Atlanta, Georgia</b>													
May 1995	-	20	21	23	24	25	29	31	32	35	38	40	41 44 45 48 50
August 1996	-	21	22	24	29	32	33	35	38	40	41	44	47 49
<b>Hartford, Conn.</b>													
May 1995	-	21	23	25	28	38	41	44	45				
August 1996	-	21	23	25	28	31	33	34	38	44			
<b>Seattle/Tacoma, Washington</b>													
May 1995	-	21	23	24	26	27	29	30	32	35	36	38	40 42 44 46 47 48 49 50
August 1996	-	21	26	29	30	31	34	36	38	40	42	46	47 48 49