



1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

www.wileyrein.com

October 28, 2015

David E. Hilliard
202.719.7058
dhilliard@wileyrein.com

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: Written *Ex Parte* Presentation, ET Docket Nos. 10-236 and 06-155

Dear Ms. Dortch:

Medtronic, Inc., a subsidiary of Medtronic plc, urges the Commission to move forward with the adoption of a report and order in response to the *Further Notice of Proposed Rule Making* released in this proceeding on July 8, 2015, FCC 15-76. The *FNPRM* was issued partly in response to Medtronic's *ex parte* comments during a meeting on April 14, 2015, with OET staff concerning the company's petition for reconsideration of the Commission's *Report and Order*, 28 FCC Rcd 758 (rel. Jan. 31, 2013), adopting rules to implement Medical Testing Experimental Licenses and Program Experimental Licenses. Medtronic noted that medical device manufacturers were not eligible for Medical Testing Experimental Licenses under the new rules unless the device makers also operated health care facilities such as hospitals. Moreover, as Medtronic personnel explained on April 14, 2015, the Program Experimental License Rules precluded operation in the MedRadio band of 401 – 406 MHz thereby preventing medical device companies from conducting research under a program experimental license on new devices that would operate in the band.

Recognizing the need to correct this oversight, the Commission issued the *FNPRM* to allow program experimental licensees to use for the purpose of testing medical devices otherwise prohibited bands listed in Section 15.205, provided that the devices are designed to comply with all applicable service rules in Part 18, Part 95 Subpart H, or Part 95 Subpart I. By making the proposed change, the Commission will help to ameliorate the disparity between those medical device manufacturers eligible for Medical Testing Experimental Licenses and those eligible for Program Experimental Licenses. Accordingly, Medtronic encourages the Commission to



Ms. Marlene H. Dortch
October 28, 2015
Page 2

move forward with this change so that the promise of the Program Experimental License rules may come to fruition.

Should you have any questions, please contact the undersigned counsel for Medtronic.

Respectfully submitted,

David E. Hilliard

David E. Hilliard
Counsel for Medtronic, Inc.

cc (via email): Mr. Ira Keltz