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April 20, 1999

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HAND DELIVERED

Ms. Magalie Salas, Secretary  
Federal Communications Commission  
445 12th Street SW  
Room TW-B204  
Washington DC 20554

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APR 20 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: **Amendment of Part 18 of the Commission's Rules to Update Regulations for RF Lighting Devices, ET Docket No. 98-42 — Ex Parte Communication**

Dear Ms. Salas:

Pursuant to Section 1.1206(b)(1) of the Commission's Rules, I enclose two copies of correspondence for inclusion in the above-referenced docket.

Kindly date-stamp and return the extra copy of this letter.

If there are any questions about this filing, please call me at the number above.

Respectfully submitted,

*Mitchell Lazarus*  
Mitchell Lazarus

Counsel for Harris Corporation,  
Symbol Technologies, Inc., and  
3Com Corporation

ML:deb

No. of Copies rec'd 0+2  
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Magalie R. Salas, Esquire

April 20, 1999

Page 2

cc: David Jatlow, Esquire, Counsel for Bluetooth Promoters  
Ray Martino, Symbol Technologies, Inc.  
Carlos Rios, 3Com Corporation  
Steve Sharkey, AirTouch Communications, Inc.  
Larry Solomon, Esquire, Counsel for Metricom, Inc.,  
William D. Wallace, Esquire, Counsel for Globalstar, L.P.  
Jim Zyren, Harris Corporation  
Terry Mahn, Esquire, Counsel for Fusion Lighting  
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Dear Terry:

This is a response to your letter of April 13. Because you filed the letter with the FCC, we think it necessary to set the record straight. Note that your April 13 letter crossed with our response to your last technical request, which was mailed on April 12. On the morning of April 13, I told Susan Gallo of your office that our response was in the mail. Your letter nonetheless arrived by fax a few hours later.

At the outset, your use of the term "Bluetooth" to refer to all of the Part 15/MSS entities negotiating with Fusion is misleading. Both you and Wallman Strategic Consulting, LLC, another of Fusion's representatives in ET Docket No. 98-42, were specifically advised that the Bluetooth Promoters (Ericsson, IBM, Intel, Nokia, and Toshiba) are only one in the group of entities interested in the outcome of this proceeding. Also active in negotiating with your client are AirTouch Communications, Inc., Globalstar, L.P., Harris Corporation, Metricom, Inc., Symbol Technologies, Inc., and 3Com Corporation. These parties refer to themselves collectively as the "Part 15/MSS interests," and request that you do the same.

I do not, as you suggest, represent all of these entities. The signature block and "cc" list at the end of this letter indicate counsel for each party.

The reference in your letter to "spectrum demands" is incorrect. The Part 15/MSS interests seek only minimal safeguards for continued use of the spectrum already available to them under the FCC rules.

You assert that the Part 15 interests misrepresented to the FCC last November and December that Fusion had refused to share data. That statement to the FCC was accurate — indeed, I am surprised you dispute it. Fusion had not then, and still has not, shared any data with our group, despite our repeated requests. At our meeting in your office on January 14, a Fusion representative stated that his company

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refused to share data on its current products because the company might wish to make products sometime in the future that could have different characteristics. He also conceded that Fusion had refused to sell a sample unit to an engineer working with our group, who sought it for testing. Even today, the only data we have on Fusion's products came from the FCC, and consist of measurements taken by the FCC. Fusion has provided nothing.

According to your letter, we asserted that Fusion's lamps radiate at hazardous levels. The record shows we never made that statement. We did say the only limit on lawful ISM emissions under the current rules is set by the RF hazard rules, which is true. And, in the absence of data from Fusion on actual emissions, we analyzed the interference potential at the RF hazard limits, stating in so many words this was a worst-case analysis. We neither said nor implied that Fusion's lamps operate at hazardous levels.

Our statement that the Fusion lamp could be modified for pennies to block much of the interfering RF was based on our best engineering judgment, given the facts available to us. If the statement is incorrect, Fusion is free to dispute it before the FCC. In fact, however, a Fusion representative indicated at the January 14 meeting that Fusion has already incorporated the approach we proposed into its products.

The Part 15/MSS interests have delivered all of the data that Fusion requested, as promptly as possible. Delays of a few weeks or so are unsurprising, considering that some of your requests called for new engineering studies. Moreover, all of our technical responses had to be reviewed and approved by several companies, sometimes over several iterations. We have complied in full and in good faith with all of your requests.

The March 11 filing you cite was not made by constituents of Bluetooth, as you imply. The face of the document referred to plainly shows it was executed on behalf of "IEEE 802, the LAN/MAN Standards Committee." The filing is the product of a vote on a formal resolution by the IEEE 802.11 Working Group. That resulted in a recommendation to the IEEE 802 Executive Committee, which adopted the recommendation and drafted the filing. The signatories executed the filing in their capacities as Chairman of the IEEE 802.11 Working Group and Chairman of the IEEE 802 LAN/MAN Standards Committee, respectively, and not on behalf of their employers. When you called me on March 16 to question that filing, I agreed in principle it might have advanced our negotiations if the Part 15/MSS interests had sought to persuade IEEE to withhold its filing for the time being. I also offered to make a formal submission to the FCC indicating that the matters raised in the IEEE pleading were the subject of ongoing negotiation, and that IEEE did not speak for the parties to the negotiation. You declined that offer, which remains open nonetheless.

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Once you and your client have reviewed our March 12 response, I look forward to the resumption of technical discussions.

I am authorized to state that this letter is endorsed by the following entities:

Bluetooth Promoters (Ericsson, IBM, Intel, Nokia, and Toshiba)  
Harris Corporation  
Metricom, Inc.  
Symbol Technologies, Inc.  
3Com Corporation

Counsel for AirTouch Communications, Inc. and Globalstar, L.P. has advised me that those parties will respond separately.

Sincerely,



Mitchell Lazarus  
Counsel for Harris Corporation,  
Symbol Technologies, Inc., and  
3Com Corporation.

ML:deb

cc: Office of the Secretary, FCC (two copies)  
David Jatlow, Esquire, Counsel for Bluetooth Promoters  
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