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July 15, 1999

Mr. Eugene Thomson  
Public Safety and Private Wireless Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: WT Docket 99-66 - Medical Implant Communications Service (MICS)  
***Ex Parte Presentation***

Dear Mr. Thomson:

In its Comments filed April 9, 1999, in response to the Commission's *Notice of Proposed Rule Making* in this proceeding, Medtronic urged the Commission to implement regulations that would require medical implant programmer/control transmitters to monitor before transmitting. Accordingly, the language submitted in the attachment to the Comments recommended that Section 90.630(a) be added to set forth a requirement for a 10 millisecond monitoring period. Proposed Section 90.630(a)(2) provided for monitoring over "a minimum of 10 milliseconds per channel." Section 90.630 (a)(5) provided for the monitoring process to select optionally an alternate channel for use if a MICS communications session is interrupted. As submitted, the proposed language in Section 90.630(a)(5) could be read to imply that the monitoring period used to select such an alternate channel must be no longer than 10 milliseconds.

In making this recommendation, Medtronic did not intend to foreclose designs that might monitor for more than 10 milliseconds for the selection of the alternate channel. Rather, 10 milliseconds was proposed with the view that this should be the minimum monitoring period, just as 10 milliseconds is stated in proposed Section 90.630(a)(2) as the minimum monitoring time for selection of the first channel. To clarify this point, Medtronic is enclosing revised language that shows more clearly that 10 milliseconds should be the minimum monitoring period. Thus, if system developers conclude that a longer monitoring period is appropriate, they should be accorded the flexibility to employ a longer period. The enclosed

language would accommodate such situations.

Should any question arise concerning this matter, please contact me.

Sincerely,

***/s/ David E. Hilliard***

David E. Hilliard  
Counsel for Medtronic, Inc.

Enclosures: Revised Section 95.630(a)(5)  
cc: Office of the Secretary (w/ encl.)

## WILEY, REIN & FIELDING

Revision to Section 95.630(a)(5) as recommended by Medtronic in Comments filed April 9, 1999.  
Revised language is shown in bold.

5. When a channel is selected prior to a MICS communications session, it is permissible to select an alternate channel for use if communications is interrupted, provided that the alternate channel selected is the next best choice using the above criteria. The alternate channel may be accessed in the event a communications session is interrupted by interference. The following criteria must be met:

- (i) Before transmitting on the alternate channel, the channel must be monitored for a period of **at least** 10 milliseconds.
- (ii) The detected power level during this 10 millisecond **or greater monitoring** period must be no higher than 6 dB above the power level detected when the channel was chosen as the alternate channel.
- (iii) In the event that this alternate channel provision is not used by the MICS system or if the criteria in (i) and (ii) above are not met, a channel must be selected using the access criteria specified in Section 95.630(a)(1) -(4).