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OFFICE OF THE SECRETARY

July 20, 2000

ORIGINAL

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

Re: ET Docket No. 99-231, Amendment of Part 15 of the Commission's Rules Regarding Spread Spectrum Devices — ***Ex Parte Filing***

Dear Ms. Salas:

Pursuant to Section 1.1206(b)(1) of the Commission's Rules, I enclose the original and one copy of the attached written communication for inclusion in the above-referenced docket.

The attached letter is filed in ET Docket No. 98-42 on behalf of the Part 15 Interests, identified in the letter. Because the letter briefly mentions a position in the above-referenced proceeding as well, we are also filing it in this docket out of an abundance of caution.

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

No. of Copies rec'd 0+1
List A B C D E

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

Respectfully submitted,

Mitchell Lazarus
On Behalf of the Part 15 Interests

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July 20, 2000

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

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:

This responds to *(1)* the Amendment to Petition for Further Rulemaking filed in this docket by Fusion Lighting, Inc. ("Fusion") on June 28, 2000, and *(2)* the letter from Terry G. Mahn, counsel for Fusion, filed on July 7, 2000 ("July 7 Letter").

I am authorized to state that the following entities support this response:

3Com Corporation
Clearwire Technologies, Inc.
Eastman Kodak
Intersil Corporation
Lincom Corporation
Metricom, Inc.
Symbol Technologies, Inc.

. . . collectively, the "Part 15 Interests."

Fusion Mischaracterizes the Part 15 Interests.

Fusion's denomination of the Part 15 Interests as "Lazarus Clients" is factually incorrect.[1] Each filing by the Part 15 Interests has plainly identified counsel for each participating entity in the signature block and "cc" list.

Equally incorrect is Fusion's equating the Part 15 Interests with the Wireless Ethernet Compatibility Alliance ("WECA").[2] These are distinct groups with little overlap. Fewer than half of the parties that ever filed as the Part 15 Interests are members of WECA. Conversely, of the 46 members listed on the WECA website,[3] only three have ever been included among the Part 15 Interests.

No Response Is Needed to Most Fusion Allegations.

The Part 15 Interests vigorously dispute each of the points made in Fusion's July 7 filing. With just one exception, however, these points are more than adequately refuted by the existing record. The Part 15 Interests see no need to burden the record (and the Commission's patience) by rebutting the same misstatements yet again.

The sole issue in Fusion's July 7 Letter that has not been adequately briefed is Fusion's misunderstanding of WECA's request for receiver standards in ET Docket No. 99-231. This is also the central issue in Fusion's Amendment to Petition for Further Rulemaking.

WECA's Request for Receiver Standards in ET Docket No. 99-231 Is Fully Consistent With the Part 15 Position in This Proceeding.

Fusion cites the WECA request in ET Docket No. 99-231 for receiver standards on wideband frequency hopping systems as contradicting the Part 15 Interests' position in this proceeding. Fusion is mistaken. Even if Fusion were right, a differing view held by a different party in a different proceeding would have no effect on the Part 15 Interests' case here. As it

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[1] July 7 Letter at 1.

[2] July 7 Letter at 4. WECA is an association of product vendors that certifies products for interoperability with the IEEE 802.11 spread spectrum wireless LAN standard.

[3] http://www.wirelessethernet.org.

happens, however, the WECA position in ET Docket No. 99-231 fully supports the Part 15 Interests in this proceeding.

Specifically, Fusion states:

> [WECA] recently asked the Commission to require wideband FHSS receivers to implement interference rejection standards in order to operate in the face of interference they are already required to accept.[4]

In ET Docket No. 99-231, WECA indeed requested interference rejection standards for wideband frequency hopping receivers. But this is not, as Fusion says, a "mirror" to Fusion's request that the Commission require Part 15 systems to work well despite interference from RF lights.[5] To the contrary, the Fusion and WECA requests seek precisely opposite outcomes.

WECA has no interest in whether wideband frequency hoppers can operate in the face of interference, except as that bears on those systems' ***production*** of interference. For reasons explained in WECA's technical filings, a wideband frequency hopper with an overly wide receiver passband will have to re-send packets frequently.[6] The resulting congestion will increase interference to compliant spread spectrum systems. Receiver standards on wideband systems are needed to limit that interference.

WECA's concern about wideband receiver standards thus precisely parallels the Part 15 Interests' concern about controlling RF lighting emissions. In both cases, the Part 15 industry seeks to limit interference from a new, not-yet-authorized technology in ways that still allow that technology to achieve its goals.

Fusion, in contrast, seeks receiver standards on Part 15 equipment so Fusion can ***increase*** interference in the band. Fusion wants to sell its interfering product to customers who, given a

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[4] July 7 Letter at 4 (emphasis in original; citation footnote omitted). This passage responds to a statement by the Part 15 Interests: "[I]t is absurd to insist [as Fusion does] that receivers be able to operate in the face of interference they are already required to accept." Letter from Mitchell Lazarus to Magalie Salas, Esquire at 6 (filed June 9, 2000).

[5] Fusion Amendment to Petition for Further Rulemaking at 4.

[6] *See* the WECA ex parte filing of April 10, 2000, at 8-11 in ET Docket No. 99-231.

choice, would find Part 15 equipment more valuable. Fusion, if it wishes, can scale back the interference to make its products attractive to Part 15 users. Or, Fusion can choose to make an incompatible product and risk disfavor in the marketplace. That is its own decision. But Fusion has no right to demand that Part 15 manufacturers take on the burden of making up for Fusion's bad engineering, and protect Fusion's market for an interfering product that customers might otherwise avoid.

In addition, the receiver standards WECA seeks merely quantify an existing provision in the rules.[7] Fusion's request, in contrast, would require not only a full-scale amendment to the rules, but a major reorientation of Commission policy that, if implemented, would threaten the unprecedented success of Part 15.

* * * *

Pursuant to Section 1.1206(b)(1) of the Commission's Rules, I enclose the original and one copy of this letter for inclusion in the above-referenced docket.

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

---

[7] "The system receivers shall have input bandwidths that match the hopping channel bandwidths of their corresponding transmitters . . . ." 47 C.F.R. Sec. 15.247(a)(1).

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

Respectfully submitted,

Mitchell Lazarus
Counsel for 3Com Corporation, Clearwire Technologies, Inc., Intersil Corporation, Lincom Corporation, and Symbol Technologies, Inc.; and filing as an accommodation to Eastman Kodak and Metricom, Inc.

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