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September 6, 2001

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

Re: ET Docket No. 00-221  
*Ex Parte*

Dear Ms. Salas:

This letter is being filed on behalf of Itron, Inc. ("Itron") to support the August 29<sup>th</sup> *ex parte* filing of the American Hospital Association Task Force on Medical Telemetry ("AHA Task Force") and to clarify further Itron's position in this proceeding regarding sharing of the 1427-1432 MHz band between utility telemetry and the Wireless Medical Telemetry Service ("WMTS").

In developing the band allocation plan that was submitted jointly by the AHA Task Force and Itron in this proceeding, Itron was acting in the interest of the users and manufacturers of utility telemetry devices in the electric, gas, and water utilities industries and the plan subsequently was supported in comments and *ex parte* submissions by many utilities. Although Itron initially described the plan as one under which WMTS and utility telemetry would share the full 5 MHz band on a co-primary basis, strictly speaking the Commission's allocation would not be a co-primary allocation.

As the AHA Task Force made clear in its *ex parte* filing, WMTS and utility telemetry cannot share the same frequencies in the same geographical area without causing harmful interference to the operations of both medical and utility users. Rather, the band plan is in fact a geographic partitioning of the 5 MHz band into two 2.5 MHz segments; in 1427-1429.5 MHz WMTS would be primary and in 1429.5-1432 MHz

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utility telemetry would be primary, except in eight geographic areas identified in the band allocation plan, in which there are existing utility operations in the lower 2.5 MHz. In any geographic area in which one service is primary, the other service will be secondary and most likely will derive quite significant use of such frequencies where there is no hospital or utility use of the primary frequencies in the particular locale.

As explained in Itron's, the AHA Task Force's, and many utilities' submissions in this proceeding, the proposed band allocation plan provides maximum benefit and flexibility to both medical and utility users, as well as being benign to users of the adjacent radio astronomy frequencies. Accordingly, Itron urges the Commission to adopt the WMTS-utility telemetry band plan in this proceeding by amending the Table of Allocations set out in Part 2 of the Commission's rules to incorporate this plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry Goldberg", with a long, sweeping underline that extends to the right.

Henry Goldberg  
Attorney for Itron, Inc.

cc: Julius Knapp  
Lisa Gaisford  
Peter Tenhula  
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