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EX PARTE

Chairman Michael K. Powell
Federal Communications Commission
445 12th Street, SW TW-A325
Washington, D.C. 20554

Re: Itron, Inc.
ET Docket No. 00-221

Dear Chairman Powell:

In its comments, reply comments, and ex parte filings in the above-referenced proceeding, Itron, Inc. ("Itron") has supported a modified version of "Option 2," based on a plan developed by Itron and an American Hospital Association task force ("AHA"), that would enable medical telemetry and utility telemetry users to share 1427-1432 MHz on a co-primary basis.

Pursuant to this plan, as a general matter, utility telemetry would operate in the upper 2.5 MHz of the band on a primary basis and medical telemetry would operate in the lower 2.5 MHz of the band on a primary basis. In a limited number of specified areas where utility automated meter reading ("AMR") systems already operate in the lower portion of the band, however, there would be a "band flip" under which the priorities would be reversed: Utility telemetry would be primary in the lower 2.5 MHz, and medical telemetry would be primary in the upper 2.5 MHz. The band flip arrangement was intended to accommodate existing AMR systems that cannot be switched to the upper 2.5 MHz without substantial expense and disruption to the public.

It seems, however, that the Commission is not prepared to support the spectrum compromise and band sharing plan agreed to by AHA, on behalf of the medical community, and Itron, on behalf of utilities. If this is the case, Itron regrettably must withdraw from that agreement. The agreement with AHA strikes a delicate balance between the service needs and interference concerns of the utility telemetry and medical telemetry communities. If material elements, including the band flip, are eliminated from the plan, this balance will be destroyed.

Without adoption of the Itron/AHA plan, Itron requests that the Commission allocate the lower 2 MHz of the 1427-1432 MHz band to utility telemetry on a primary basis and the upper 3 MHz to medical telemetry on a primary basis. Incumbent utility telemetry operations in the lower portion of the band cannot be secondary to medical telemetry users.¹

Respectfully submitted,

A handwritten signature in black ink that reads "Henry Goldberg". The signature is written in a cursive, flowing style.

Henry Goldberg
Joseph A. Godles
Attorneys for Itron, Inc.

cc: Bruce Franca
Julius Knapp
Thomas Sugrue

¹ Itron is asking for 2 MHz rather than 2.5 MHz under this alternative approach because it is Itron's understanding that medical telemetry will need an additional 0.5 MHz guard band if its allocation is in the upper portion of the band.