

FISH & RICHARDSON P.C.

601 Thirteenth Street N.W.
Washington, DC 20005

Telephone
202 783-5070

Facsimile
202 783-2331

Web Site
www.fr.com

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

April 9, 2002

William F. Caton
Acting Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20445

In Re: *Ex Parte* Statement in ET Docket No. 01-278



BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Mr. Mr. Caton:

Johnson Controls Inc. ("JCI") believes it is necessary to file this brief *Ex Parte* statement with respect to a significant inaccuracy in the reply comments filed by the Chamberlain Group in the above-reference proceeding.

In its opposition to the Commission's proposal to adopt a new rule – Sec. 15.240 – that would permit the use of RFID technology in the 433 MHz band with a significantly longer duty cycle than is presently permitted under Section 15.231(a), Chamberlain states that JCI opposes the ten second silent period because it would prevent the provision of Internet access.

Chamberlain has made too hasty a reading of JCI's comments. For the record please note that in arguing that proposed Section 15.240 not be restricted only to RFID applications, JCI stated: "At the same time, this time limit [the proposed 120 second transmission time] and the requirement for at least a 10 second silent period between transmissions certainly insures that systems operating under proposed Section 15.240 could not be used for more widespread communications activities such as internet access."

To make matters perfectly clear, although JCI believes that the Commission's proposal should not be restricted only to RFID systems, JCI does not object to the proposal for a ten second silent period between transmissions and is not suggesting that proposed Section 15.240 be broadened to permit Internet access.

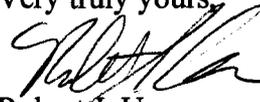
Although Chamberlain's inaccurate characterization of JCI's comments was undoubtedly inadvertent, the result of simple misreading, JCI believes it is important to bring this matter to the Commission's attention because it believes a reasonable application of proposed Section 15.240 could promote significant innovation and development of products and services. Suggesting an

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William F. Canton
April 9, 2002
Page 2

unreasonable application, of course, could likely result in no broadening of the Commission's proposal at all.

Very truly yours,



Robert J. Ungar
Counsel for Johnson Controls, Inc.

CC: Edmond J. Thomas
Chief, Office of Engineering and Technology
Bruce Franca, Deputy Chief, Office of Engineering and Technology
Julius Knapp, Deputy Chief, Office of Engineering and Technology
Geraldine Matise, Acting Chief, Policy and Rules Division
Ira Keltz, Acting Deputy Chief, Policy and Rules Division
Karen Rackley, Chief, Technical Rules Branch
Hugh Van Tuyl, Senior Engineer
John S. Logan
Scott S. Patrick