

***Fletcher, Heald & Hildreth, P.L.C.***  
***1300 North 17<sup>th</sup> Street 11<sup>th</sup> floor***  
***Arlington VA 22209***  
***703-812-0400 (voice)***  
***703-812-0486 (fax)***

MITCHELL LAZARUS  
703-812-0440  
LAZARUS@FHHLAW.COM

June 11, 2002

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington DC 20554

**Re: ET Docket No. 01-278, Review of Part 15**  
***Ex Parte Communication***

Dear Ms. Dortch:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, I am filing this letter electronically to report an oral ex parte communication in the above-referenced proceeding.

Yesterday, several representatives of the radar detector manufacturing industry -- Stephan Boyle of The Whistler Group, Bill Chamberlain and Anthony Mirabelli of Cobra Electronics Corp., James R. Haynes of Uniden America Corp., Janice Lee of RADAR, Gregg P. Skall, Esq., of Womble Carlyle Sandridge & Rice, on behalf of Uniden America Corp., and the undersigned -- met (separately) with Paul Margie of Commissioner Copps's office, Bryan Tramont of Commissioner Abernathy's office, and Samuel Feder of Commissioner Martin's office. Today, Mr. Skall and I met with Peter Tenhula and Tony Regenstreif of Chairman Powell's office.

The substance of our presentations appears in the attached outline.

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

Respectfully submitted,

Mitchell Lazarus

cc: Meeting participants

**Radar Detector Manufacturers (“RADAR”)  
ET Docket No. 01-278, Review of Part 15**

June 10-11, 2002

**A. EMISSIONS IN VSAT RECEIVE BAND, 11.7-12.2 GHz**

**1. Reported problem & solution**

- RADAR acknowledges reports of interference to VSAT receivers.
- Last February, RADAR members unilaterally committed to eliminating local oscillator emissions at 11.7-12.2 GHz in product shipped on or after June 1, 2003.<sup>1</sup>

(Specifically: product manufactured on or after June 1, 2003, will limit emissions in the 11.7-12.2 GHz band to Class B .)

- Compliance is well ahead of schedule:
  - 73 % of product manufactured today complies with the commitment.
  - Compliance will be essentially 100 % complete by January 2003.

**2. Class B levels are appropriate for the VSAT band.**

- No FCC-regulated device is subject to VSAT band emissions below Class B (except UWB -- and the Commission has undertaken to reexamine UWB limits soon).
  - If the commission adopts rules, verification should apply.
- We live in a Class B world -- untold millions of devices are authorized at Class B levels.
- Good engineering practice suggests VSAT receivers be designed to accept emissions from Class B devices.

**B. EMISSIONS OUTSIDE THE VSAT BAND**

- RADAR is not aware of any actual interference to any service outside the VSAT band.
- Fixed Service at 10.7 - 11.7 GHz has not reported interference (we asked), despite decades of radar detector emissions.

---

<sup>1</sup> See Comments of RADAR Members (filed Feb. 12, 2002).

- Satellite downlinks at 10.7 - 11.7 GHz – likewise has not reported interference.  
  
(Operations are limited to (1) NGSO gateways [few in number; highly directional; outside major population centers] and (2) GSO international downlinks [highly directional; only 140 total nationwide])
- The Commission should refrain from unnecessary regulation by ignoring nonexistent problems -- no one has shown a need for limits on radar detectors outside the VSAT band.

**C. PROCEDURAL MATTERS**

**1. The Commission should address urgent problems first.**

- Claims of VSAT interference allege an urgent problem, which merits an urgent solution – RADAR has provided one.
- In contrast, emissions outside the VSAT band do not represent an urgent problem (or any problem at all), and should not be tied to solving VSAT interference.

**2. The Commission cannot regulate radar detectors without a Further Notice.**

- The Administrative Procedure Act requires advance notice of a proposed rule.<sup>2</sup> “Notice of a proposed rule must include sufficient detail on its content and basis in law to allow for meaningful and informed comment.”<sup>3</sup>
- The NPRM raised the issue of interference from radar detectors, as in a Notice of Inquiry, *but it did not give notice of a proposed rule.*<sup>4</sup>
- A Further Notice is needed before adoption of rules.

---

<sup>2</sup> 5 U.S.C. Sec. 553(b)(3).

<sup>3</sup> American Medical Ass’n v. Reno, 57 F.3d 1129, 1132 (D.C. Cir. 1995). *See also* National Electrical Manufacturers Ass’n v. EPA, 99 F.3d 1170, 1172 (D.C. Cir. 1996) (similar); Home Box Office, Inc. v. FCC, 567 F.2d 9, 55 (D.C. Cir. 1977) *cert. denied* 434 U.S. 829 (1977) (notice must provide sufficient information to permit “adversarial critique”).

<sup>4</sup> “We invite comment on *whether there is a need* to require radar detectors to comply with emission limits to minimize the possibility of interference, and if so, what are the appropriate limits. We also seek comments on whether there are any other receivers that tune above 960 MHz that should be required to comply with emission limits. If so, we seek comments on the appropriate limits, and whether the limits should apply in all frequency bands or only certain bands where interference may be more likely to occur, such as the VSAT bands.” NPRM at para. 14 (emphasis added).