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August 8, 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 oral ex parte communications in the above-referenced proceeding.

Yesterday and today, Janice Lee of RADAR, Tony Mirabelli of Cobra Electronics Corporation, and I met with Peter A. Tenhula of Chairman Powell's office; Bryan Tramont of Commissioner Abernathy's office; Paul Margie of Commissioner Copps's office; Sam Feder of Commissioner Martin's office; and Ira R. Keltz, Julius P. Knapp, Geraldine Matisse, Karen Rackley, Alan J. Scrimme, Bruce Romano, and Hugh L. van Tuyl of the Office of Engineering and Technology.

At each meeting we reiterated the points in our Petition for Partial Reconsideration and Motion for Stay, both filed July 26, 2002. In particular, we emphasized that the compliance schedule set out in the First Report and Order will unintentionally hinder the removal of noncomplying radar detector units from service. Most sales today are upgrades, most of which replace a noncompliant unit with a compliant unit. We expect many retailers to react to the deadlines in the First Report and Order by shipping back their entire inventory. This will interrupt the ongoing upgrade process, and thus keep noncompliant units on the roadways.

We also pointed out that even the schedule RADAR requests will still be the most stringent the Commission has even applied to a consumer product.

A copy of our presentation outline is attached.

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

Respectfully submitted,

Mitchell Lazarus

cc: Meeting participants

RADAR -- August 7-8, 2002

Topic: Petition for Partial Reconsideration and Motion for Stay of First Report and Order in ET Docket No. 01-278, *Review of Part 15* (radar detectors) (filed July 26, 2002).

Technical regulations:

- RADAR supports the Commission's technical rules.

Scheduling issues:

Present schedule:

Manufacture:	August 28, 2002
Marketing:	September 27, 2002

RADAR's requested schedule:

Manufacture:	December 31, 2002
Marketing:	no time limit (or June 30, 2003)

FCC and RADAR have two tasks:

1. *Prevent* new noncompliant units from reaching motorists.
2. *Replace* noncompliant units presently in use.
 - Replacement ranks in urgency with prevention to resolve interference.

Both tasks are well underway:

1. ***Prevention:*** By last June, *before adoption of FCC rules*, 73% of units shipped were compliant; and the percentage continues to increase.
2. ***Replacement:*** Most sales are upgrades -- *most current sales take a noncompliant unit out of service* and replace it with a compliant unit.
 - But the FCC's current schedule will shut down distribution *and leave noncompliant units in use.*

The FCC's schedule cannot be achieved:

- Manufacturing and import cannot be in compliance by August 28.
 - *less than 6 weeks warning* from release of the order.

- Retailers cannot be in compliance by September 27.
 - retailers lack the resources to sort through inventory -- most will simply return their entire stock.
 - this will *stop upgrades and replacement of noncompliant units.*

The FCC's schedule is unprecedented:

- Prior regulation of consumer devices:

Expansion of CB radio from 23 to 40 channels ¹	Manufacture: 12 months Retail marketing: 17 months
Initial regulation of personal computers ²	Manufacture: 13 months Retail marketing: <i>no time limit</i>
Regulation of scanning receivers (for cell phone privacy) ³	Manufacture: 12 months Retail marketing: <i>no time limit</i>
Tightened regulation of scanning receivers (same) ⁴	Manufacture: 6 months Retail marketing: <i>no time limit</i>

- RADAR's requested schedule is *more stringent than the Commission has ever imposed* on a consumer device.
- The Commission should not penalize the industry for taking prompt, affirmative steps to resolve interference.

¹ *Revision of Part 15*, 60 F.C.C.2d 687, 693 (1976), *clarified*, 62 F.C.C.2d 623 (1976).

² *Amendment of Part 15*, 79 F.C.C.2d 67, 90 (1980), *modifying* 79 F.C.C.2d 28, 56 (1979).

³ *Amendment of Parts 2 and 15*, 8 FCC Rcd 2911, 2913 (1993), *recon. denied*, 9 FCC Rcd 3386 (1994).

⁴ *Amendment of Parts 2 and 15*, 14 FCC Rcd 5390, 5403 (1999), *recon. on other grounds*, 16 FCC Rcd 11373 (2001).