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September 23, 2003

35934.00002

**ELECTRONICALLY FILED**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *Ex Parte* Communication  
ET Docket No. 03-122, Revision of Parts 2 and 15 of the Commission's Rules to  
Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5  
GHz Band

Dear Ms. Dortch:

On September 22, 2003, Industry representatives met with officials of the Commission's Office of Engineering and Technology to discuss issues related to the above-captioned proceeding. Attending this meeting from Industry were: Michael Green, Atheros Communications, Inc.; David A. Case, Cisco Systems, Inc.; Paula F. Boyd, Microsoft Corporation; Robert Kubik, Motorola, Inc.; John M. Godfrey, Sony Electronics, Inc.; William H. Johnson, Information Technology Industry Council; and the undersigned. We met with Julius Knapp, Alan Scrim, Rashmi Doshi, Karen Rackley, Ahmed Lahjouji, and Ted Ryder.

Attached to this letter is a list of subjects and positions discussed. The discussion was consistent with comments filed on the issues by one or more Industry participants, with the exception that an update was given with regard to the status of testing procedures being addressed by an informal NTIA/industry working group.

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1206, this letter is being filed electronically and a copy sent to each named FCC participant.

*PaulHastings*

Ms. Marlene Dortch  
September 23, 2003  
Page 2

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "DR Siddall". The signature is written in a cursive, somewhat stylized font.

David R. Siddall

Attachment

cc: Julius Knapp  
Alan Scime  
Rashmi Doshi  
Karen Rackley  
Ahmed Lahjouji  
Ted Ryder

## 5 GHz U-NII NPRM

- Comments favor allocating 5.470-5.725 GHz for unlicensed U-NII devices. Internationally harmonized spectrum will benefit U.S. industry with strong growth of unlicensed WLAN equipment.
- Requirements for using this band should be consistent with U.S. WRC-03 positions and documents adopted at WRC-'03.
  - DFS should be permitted to be implemented by a system's central controller (WLAN "access point")
  - Devices with maximum power 3 or more dB below the regulatory maximum EIRP should not be required to implement TPC (since the desired mitigation is guaranteed in such instances) – per WRC-03 COM 5/16.
  - TPC should not be imposed in bands other than 5.470-5.725. Manufacturers should be able to determine the most efficient implementation of TPC for 5.470-5.725 without prescriptive design constraints.
- Test Procedures & Equipment Authorization.
  - Informal NTIA working group with industry and FCC participants will provide supplementary information on radar detection and DFS test procedures.
  - If industry/U.S. Government/FCC agree, the agreed values and procedures should be promulgated by FCC Public Notice.
  - Transition period for 5.25-5.35 should start with finalization of test procedures that labs can use.
- Ad Hoc mode should be permitted at least in existing 5.25-5.35 band at low power practical for 50-100 foot communication.
- Peak transmit power should be measured in a manner appropriate for OFDM, as indicated in FCC DA 02-2138.