



Wiley Rein & Fielding LLP

1776 K STREET NW  
WASHINGTON, DC 20006  
PHONE 202.719.7000  
FAX 202.719.7049

Virginia Office  
7925 JONES BRANCH DRIVE  
SUITE 6200  
McLEAN, VA 22102  
PHONE 703.905.2800  
FAX 703.905.2820

www.wrf.com

November 19, 2003

David E. Hilliard  
202.719.7058  
dhilliard@wrf.com

**VIA ECFS**

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
Washington, DC 20554

Re: ET Docket 03-92  
*Ex Parte* Notification

Dear Ms. Dortch:

On November 19, 2003, Robert L. Pettit of this firm and I on behalf of Medtronic discussed with Julius Knapp and Bruce Romano of the Office of Engineering and Technology Medtronic's views as expressed in prior filings in this matter. We noted the incongruity inherent in consideration of the waiver of listen before transmit requirements in the Medical Implant Communications Service when the Commission has upheld such a requirement for MICS and has long imposed such requirements in both Part 15 and Part 90 contexts as a sound spectrum management technique to avoid causing and receiving harmful interference.

Respectfully,

*/s/ David E. Hilliard*

David E. Hilliard  
*Counsel for Medtronic*

Attachment

cc (via email): Messrs. Knapp and Romano