Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Review of Part 15 and other Parts of the Commission's Rules	)	ET Docket 01-278
	)	RM-9375
	)	RM-10051
	)	
Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices	)	ET Docket 95-19
	)	
M/A-COM private Radio Systems, Inc. Petition for Declaratory Ruling	)	

PETITION FOR RECONSIDERATION

G.E. Interlogix, Inc. ("G.E. Interlogix"), by its attorneys, and pursuant to Section 1.429 of the Commission's Rules, hereby petitions the Commission to reconsider that portion of the Second Report and Order in the above-referenced proceeding which dealt with G.E. Interlogix's request that the Commission permit the five second limits on manual and automatic transmissions of Section 15.231(a)(1) and (2) to be exceeded by system installers during the "set-up" process for security systems.

G.E. Interlogix is a global leader, supporting the needs of the rapidly growing electronic security industry. Through its Security and Lifesafety Group, G.E. Interlogix develops and manufactures intrusion and fire protection systems for home, commercial and industrial markets. Products include motion detectors, control panels, cameras, keypads, vibration sensors, smoke and carbon monoxide detectors – the full range of equipment required to safeguard premises of all types.

In its Comments in this proceeding, G.E. Interlogix requested that the Commission codify what had been an informal staff policy of permitting security systems installers to transmit data as part of a "set-up" process (i.e. system initialization) lasting more than

five seconds (air time). The Second Report and Order, however, indicated that the Commission had not been provided with sufficient justification in this docket for why system set-up could not be accomplished within the five seconds allowed under the manual and/or automatic transmitter provisions of Section 15.231(a)(1) and (2). As subsequent discussions revealed, however, the staff was unaware that the informal policy had been documented in a letter from the FCC's Laboratory and had been relied on for some time. Accordingly, the rule was left unchanged.

Background

On January 10, 2001, counsel for G.E. Interlogix met with staff engineers at the FCC's Laboratory and discussed the problem of security systems requiring a more lengthy set-up period for new systems than could be accomplished within the five seconds permitted under Section 15.231. At that meeting it was noted that while the set-up transmissions exceeding five seconds can, in theory, be performed in manual mode, in practice, systems are designed for an automatic download of set-up data and, in the case of certain sophisticated systems, the five second transmission limitation can be too restrictive. It was further explained that although set-up generally occurs only once, in certain rare cases, such as when a property changes hands and new system parameters are desired, or in the event of a system failure expunging data, a system will have to be re-initialized. The general conclusion by the FCC Laboratory staff was that set-up transmissions in excess of five seconds would be permitted since they were one time events, not related to the day-to-day operations of security systems.

Subsequently, on January 16, 2001, counsel for G.E. Interlogix wrote to Raymond LaForge, Chief of the Measurements and Calibration Branch of the FCC Laboratory, asking that Mr. Laforge provide a written confirmation of the staff conclusions reached at the January 10, meeting. On January 23, 2001, Mr. Laforge responded, stating, "We agree that you may manufacture a wireless security alarm system that requires a "set-up" transmission when the system is first installed. This transmission may be accomplished, without regard to the emissions and periodic limits of 15.231 if it's purely to initiate the

system and will only occur once." A copy of Mr. LaForge's letter is provided as Attachment A.

Pursuant to the understanding reached with the FCC Laboratory staff and the subsequent confirmation letter from Mr. LaForge, G.E. Interlogix proceeded to manufacture and market equipment requiring set-up periods that exceeded the five second limitation. To avoid any possible future misunderstanding, G.E. Interlogix took the opportunity presented in this proceeding to request that the Laboratory's policy, on which it had been relying for two years, be placed in the rules. .

Denial of G.E. Interlogix's Request is Inconsistent with Staff Practice

It appears that either by inadvertence or failure to coordinate the Second Report and Order, the Commission did not take account of the fact that G.E. Interlogix was merely seeking codification of what had already been permitted by Commission staff and had become a practice, relied upon by manufacturers. For its part, G.E. Interlogix did not supply the Commission with supportive data because it regarded its request as non-controversial and one that called simply for ministerial action confirming a previous staff decision.

In fact, in a sophisticated security system controling many parameters in a large building the set-up can exceed five seconds because at the low power permitted under the rules, in order to transmit reliably over a sufficient distance, a low data rate is required. This then requires a greater transmission time in excess of five seconds.[1]

The Nature of Set-up Transmissions and the Necessity for Clarification

In fact, set-up transmissions, used by all wireless security systems are not "control" signals in the strict sense, nor are they recognition codes. They are neither fish nor fowl and the rules under Part 15 were never specifically designed to account for them. Set-up transmissions are not perfomed by the user of security equipment and are not transmissions that occur in the functioning of the security system. Rather they are transmissions that provide a system with the initial programming required for operation.

It is perhaps for these reasons that the staff, recognizing the necessity of initializing systems, and that the existing rules did not provide a clear "fit" for such purposes, has always informally permitted set-up transmissions under Section 15.231 (recognizing that by doing so it was permitting another exception to the restriction on transmission of data) and agreed further to permit set-up transmissions exceeding the five seconds permitted by that rule. G.E. Interlogix asks only that the Commission continue the staff's practice and to clarify that such transmissions may also occur in order to re-initialize a system should it be necessary to change system parameters.

Conclusion

For the reasons stated above, G.E. Interlogix respectfully requests the Commission to reconsider its decision in the Second Report and Order and permit transmission of set-up information for security systems in excess of the five second restrictions of Section 15.231(a)(1) and (2), provided such transmissions are under the control of a professional installer. Moreover the Commission should take this opportunity to clarify that, the data transmissions during a set-up procedure are permitted under Section 15.231.

Respectfully submitted,

Terry G. Mahn
Robert J. Ungar

Fish & Richardson P.C.
1425 K Street, N.W.
Suite 1100
Washington, D.C. 20005

Counsel for G.E. Interlogix, Inc.

January 8, 2004

[1] None of the G.E. Interlogix systems require a set-up time in excess of ten seconds of transmission time.