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FILED ELECTRONICALLY

Ms. Marlene Dortch, Esq.
Secretary
Federal Communications Commission
445 12th St. SW
Washington DC 20554

Re: **EX PARTE** in Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields, ET Docket No. 03-137

Dear Ms. Dortch:

On April 15, 2004, Cisco Systems, Inc. ("Cisco") representatives Dave Case and Mary L. Brown met with FCC staff Dr. Robert Cleveland, Bruce Romano, Bruce Franca, Tim Harrington, Rashmi Doshi, Kwok Chan, and Rich Fabina to discuss the above-captioned docket.

We stated that Cisco supports the Commission's effort to revise the current RF exposure rules, and that Cisco is fully committed to delivering safe products. Cisco's main interest in this proceeding is the establishment of clear guidance on requirements SAR testing. A SAR test is both time-consuming and expensive, requiring manufacturers to build testing into product development schedules. Manufacturers need certainty about thresholds that will trigger the need for additional SAR testing, rather than discovering late in the process that additional SAR testing will be required.

Cisco further agrees with the Notice that some devices need not be routinely tested. We support the <100mW EIRP exemption for 47 C.F.R. §15.247 equipment, and we recommend that the Commission consider adopting a similar exemption for §15.407 devices as well as high power Part 15.247 devices based on their duty cycles. For example, laptop cards have duty cycles dictated by IEEE standards and on an average operate at 10-15% , yet the current practice is to require testing as if the device is operating at 100% duty cycles. We noted that at this time we did not have data to share on testing of equipment with low percentage duty cycles, but that we were continuing to pursue data that could be provided in this docket or separately.

Cisco also addressed the relationship of the pending notice with the recently-released guidance note from the FCC Lab, Mobile and Portable RF Exposure Equipment Authorization Procedures, dated March 18, 2004. In Cisco's view, any effort to make SAR evaluation more transparent is a benefit. We asked that when the Report and Order is released in this docket that the Lab concurrently release updated guidance to avoid potential confusion. Specifically, we asked that:

- 1) The Lab should amend its "tiered step" procedure for 2.4 NPRM proposes for §15.247 2.4 GHz with an exemption of 50mW - 100mW for testing devices with antennas less than 2.5cm away, in favor of the Notice's approach of setting a specific limit, e.g., <100mW.
- 2) The guidance note also addresses SAR issues for 5GHz devices which was not addressed specifically in the Notice but was raised by the industry in comments. The 50mW exemption for SAR testing of 5GHz is acceptable. Our preferred outcome is to have the Commission adopt this limit when it takes action on the other RF issues in the order.
- 3) Both the Notice and the guidance note address testing in three hosts, with the host being defined as a laptop, PDA, or handheld phone. However, the guidance note is not clear if the device must be tested in three representatives of each host type (e.g., 3 laptops, 3 PDAs, 3 cell phones) or it is sufficient to test it in one type of each host (1/1/1). Cisco would support testing the device for host independent or module approval in one representative host of each type of device for these radio modules.
- 4) Cisco is pleased that the FCC has addressed in part a guideline for recommended test procedure for RLAN devices. We believe this procedure needs to be modified to address operation characteristics of RLAN devices and incorporate the suggested duty cycles.

Sincerely,

Mary L. Brown

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