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Via ECFS

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

Re: Oral Ex Parte Presentation in ET Docket No. 03-137

Dear Ms. Dortch:

On behalf of QUALCOMM Incorporated (“QUALCOMM”), this is to report that on Friday, February 18, 2005, Paul Guckian, John Forrester, Bob Scodellaro, Paul Jayne, and I of QUALCOMM (the “QUALCOMM Staff”) had a conference call with Bruce Franca, Bruce Romano, and Robert Cleveland of the staff of the Office of Engineering & Technology (the “OET Staff”) concerning the above-referenced docket, in which QUALCOMM has requested that the Commission adopt rules establishing a streamlined process for the issuance of equipment authorizations for Part 22 and 24 modular devices, including an exemption from the need to perform SAR testing for such modules operating at under 500 mW at a separation distance of 20 cm.

During the conference call, the QUALCOMM Staff explained that since the filing of comments and reply comments in this docket, Verizon Wireless has expanded its deployment of 1xEV-DO now to 30 markets as it proceeds with its nationwide roll-out; Sprint PCS has announced its plans to deploy 1xEV-DO throughout its nationwide footprint; and, Cingular Wireless is in the midst of launching UMTS and ultimately HSDPA technology, and all three carriers will be providing wireless broadband service on their licensed spectrum. As a result of these developments, laptop and PDA vendors are proceeding with plans to embed 1xEV-DO, UMTS, and/or HSDPA modules in their laptops and PDAs. Thus, there is a heightened need for the Commission to adopt clear rules to streamline the approval process for Part 22 and 24 modules, and for the Commission to do so as expeditiously as possible.

The QUALCOMM staff also explained that with the large number of new, smaller form factor laptops coming to market, a separation distance of 20 cm is not achievable. In QUALCOMM’s comments, we showed that the maximum permissible exposure (“MPE”) calculations performed in accordance with OET Bulletin 65 for devices operating at 500 mW at a separation distance of 20 cm results in RF exposure levels below the limits in Section 1.1310 of the FCC’s Rules. In fact, a laptop with a Part 22 or 24 module operating at 500 mW or less at a separation distance of 10 cm will not exceed the MPE limits and will have a SAR level well below the FCC’s limit.

Moreover, on October 5, 2004, QUALCOMM filed in this proceeding a written ex parte containing data on nine Part 22/24 PCMCIA cards and eight cell phones for which the Commission granted equipment authorizations from July 2002 through August 2004. This data, from the Commission's database, shows that all of the devices met the SAR limit while transmitting at power levels near or above 500 mW at a separation distance of 1 to 4 cm.

Thus, QUALCOMM believes that a proposed rule exempting laptop or other host devices with Part 22/24 modules from SAR testing if operating at 500 mW or below at a separation distance of 10 cm is reasonable, safe, and in the public interest, assuming the vendor submits diagrams showing how the 10 cm separation distance will be maintained along with MPE calculations.

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner
Senior Director, Government Affairs
QUALCOMM Incorporated

Cc: Bruce Franca
Bruce Romano
Robert Cleveland