



July 18, 2005

Submitted Electronically

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

Re: Shared Use of the 2496-2500 MHz Band between Industrial, Scientific and Medical (“ISM”) Devices and Broadband Radio Service (“BRS”); IB Docket No. 02-364 and ET Docket No. 00-258; *Ex Parte* Statement of the Information Technology Industry Council (ITI)

Dear Ms. Dortch:

The Information Technology Industry Council (ITI)¹ respectfully requests the Federal Communications Commission (“FCC” or “Commission”) to consider this correspondence in its evaluation of the petitions for reconsideration submitted by the Wireless Communications Association, Sprint Corporation and Nextel Communications, Inc. (collectively, the “BRS Parties”) in the above referenced proceedings. The BRS Parties’ petitions for reconsideration ask the FCC to reexamine its decision that made the 2496-2500 MHz band available for Broadband Radio Service (“BRS”) use, by imposing, for the first time, an in band emission limit on ISM devices operating in that band. With the following comments, ITI opposes these petitions and urges the FCC to not take action that establishes an in band emission limit on ISM devices that operate in the bands 2496-2500 MHz.

¹ A U.S. industry association, ITI represents the leading providers of information technology (IT) products and services. ITI is the voice of the high tech community, advocating policies that advance industry leadership in technology and innovation; open access to new and emerging markets; promote e-commerce expansion; protect consumer choice; and enhance the global competitiveness of its member companies. Among ITI’s members are manufacturers of devices such as microwave ovens that operate in the ISM band.

Equipment manufacturers currently produce devices such as microwave ovens that are specifically designed to operate in the internationally recognized ISM band of 2400 – 2500 MHz. Requiring changes to in band emission limits from unlimited power to 500uV/m will effectively restrict operation of ISM equipment in the upper 4 MHz of the band, thereby creating a non-harmonized ISM band in comparison with other regions. This will significantly impact the ISM industry as a whole, by requiring a unique product for the US in order to comply with the limited band operation.

ITI believes that such restrictions would substantially reduce the efficiency and effectiveness of this equipment. For example, as shown by the Association of Home Appliance Manufacturers (“AHAM”)², microwave ovens would have to be radically redesigned in order to reduce their output power to meet the maximum allowable spurious emission levels for a personal computer, thereby reducing the devices’ effectiveness. Based on the BRS Parties’ proposed compliance date of December 2006, the only way a manufacturer could meet the design criteria would be to limit the ISM operation to a maximum frequency of 2496 MHz. However, in order to meet current ISM out of band emission requirements, most devices do not presently operate with their center channel in the 2496 – 2500 MHz range. Therefore, ISM devices would effectively have to decrease their allowable bandwidth by 4 MHz in band to meet the new proposed spurious in band emission limits. This would result in loss of the devices’ performance and require costly redesign by their manufacturers.

ITI applauds the FCC for promoting the introduction of new technologies and services. Their introduction, however, should be done in a manner that least impacts established consumer products which are fully compliant with existing regulations. In this case, the BRS Parties have not presented an adequate assessment of the impact on existing products operating in the ISM band, nor have they explored less intrusive, alternative measures for resolving potential interference issues. Therefore, ITI asks the

² AHAM ex parte filing January 21, 2005

Commission to not take action to establish an in band emission limit on ISM devices that operate in the bands 2496-2500 MHz.