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March 28, 2006

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: ET Docket No. 03-201
Ex Parte Presentation

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's rules, this letter (filed electronically) serves as notification that on March 28, 2006, representatives of Cellnet Technology, Inc. ("Cellnet" or the "Company") met with representatives of the FCC's Office of Engineering and Technology ("OET"). Attending the meeting on behalf of Cellnet were Randolph H. Houchins, Cellnet's general counsel, and Tommy Childress and Ruben Cardozo Salazar of the Company; Cellnet's outside counsel, Larry Movshin and Tim Cooney of Wilkinson Barker Knauer, LLP; and Cellnet's consultant, David Wilson of New Frontiers Communications. Attending on behalf of OET were Julius Knapp, Bruce Romano, Alan Scrimme, Karen Rackley and Hugh Van Tuyl.

At the meeting, Cellnet introduced a spectrum etiquette that it believes should be adopted by the Commission, acting upon Cellnet's pending Petition For Limited Reconsideration (October 7, 2004) of the July 17, 2004 *Report and Order*, 19 FCC Rcd 13539 (2004), in the above-referenced rulemaking proceeding. Consistent with Cellnet's position in the Petition that the Commission should "adopt a spectrum etiquette processes . . . to assure users taking advantage of newly authorized technical flexibility in this heavily encumbered band do not create the type of interference that will deny the continued effective use of this band by existing and future users," Cellnet has developed a change to Section 15.247(b)(3) that will facilitate cooperative sharing among unlicensed equipment in the heavily utilized 902-928 MHz band. A copy of the proposal is attached to this letter.

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Please contact the undersigned if you have any questions.

Respectfully submitted,

/s/

Lawrence J. Movshin

Timothy J. Cooney

cc: Julius Knapp (w/encl.)
Bruce Romano (w/encl.)
Alan Scrimme (w/encl.)
Karen Rackley (w/encl.)
Hugh Van Tuyl (w/encl.)
Randolph Houchins, Esq.

CELLNET PROPOSED (03-28-06) REVISION TO 15.247(b)(3)

Part 15

15.247 Operation within the bands 902-928 MHz, 2400-2483.5 MHz, and 5725-5850 MHz

...

- (b) The maximum peak conducted output power of the intentional radiator shall not exceed the following:

...

(3)

- (i) For systems using digital modulation in the 2400-2483.5 MHz and 5725-5850 MHz bands: 1 watt (30 dBm)
- (ii) For systems using digital modulation in the 902-928 MHz band that remain in a continuous non-transmitting mode for at least 0.36 seconds or more in the 0.4 second time period following the initiation of a transmission: 1 watt (30 dBm).
- (iii) For systems using digital modulation in the 902-928 MHz band that remain in a continuous non-transmitting mode of less than 0.36 seconds in the 0.4 second time period following the initiation of a transmission, the maximum peak conducted output power shall be based on the longest continuous non-transmit interval within such 0.4 second time period following the initiation of the transmission. In such case, the maximum peak conducted output power during such 0.4 second time period shall be reduced to the level determined using the following equation:

$$\text{Power in dBm} = 30 \times (\text{the longest continuous non-transmit interval within every 0.4 second period} \div 0.4 \text{ seconds}) \div 0.9.$$

Provided however, that if the system is continuously transmitting longer than such 0.4 second time period at 0 dBm pursuant to the foregoing equation, then during each subsequent 0.4 second time period during such transmission the maximum peak conducted output power shall be limited to the level determined using the foregoing equation.

- (iv) For example, if the longest continuous non-transmit period during a 0.4 second period is .2 seconds, then the power would be 16.67 dBm, i.e., $30 \times 0.2 \div 0.4 \div 0.9$.

