

WILLIAM K. KEANE  
DIRECT DIAL: 202.776.5243  
PERSONAL FAX: 202.478.2160  
E-MAIL: kkeane@duanemorris.com

www.duanemorris.com

February 15, 2008

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

NEW YORK  
LONDON  
SINGAPORE  
LOS ANGELES  
CHICAGO  
HOUSTON  
HANOI  
PHILADELPHIA  
SAN DIEGO  
SAN FRANCISCO  
BALTIMORE  
BOSTON  
WASHINGTON, DC  
LAS VEGAS  
ATLANTA  
MIAMI  
PITTSBURGH  
NEWARK  
WILMINGTON  
PRINCETON  
LAKE TAHOE  
HO CHI MINH CITY

Re: **Ex Parte Filing: ET Docket No. 06-135; RM-11271;**  
**ET Docket No. 05-213; ET Docket No. 03-92**

Dear Ms. Dortch:

This is to advise, on behalf of the Aerospace and Flight Test Radio Coordinating Council ("AFTRCC"), that on this date Darryl J. Holtmeyer, Danny Hankins, and Don Hoehn, together with Daniel G. Jablonski and the undersigned, met with the following officials in the Office of Engineering and Technology regarding a proposal by GE Healthcare ("GEH") for an allocation for body sensor networks ("BSNs"): Julius Knapp, Bruce Romano, Mark Settle, Gary Thayer, and Geri Matisse (Messrs. Holtmeyer, Hankins, Hoehn and Thayer, and Ms. Matisse participated via conference call).

The points made during the presentation are set forth in AFTRCC's ex parte filing of February 4, 2008. In addition, AFTRCC's representatives stressed that the proposed reliance on a "listen before talk" protocol for BSN devices was impractical inasmuch as zero gain BSN antennas would not be able to detect an AMT channel in use by a distant aircraft, and thus would likely begin transmitting on a channel already in use by a nearby AMT receive antenna.

In addition, the AFTRCC representatives observed that technology is being developed to dynamically control AMT spectrum resources by means of uplink communications from the ground to test aircraft; that those uplink transmissions increase the risk of interference to "life critical" BSN devices<sup>1</sup>; that GEH is mistaken when it assumes that BSN devices would be located outside the main beam of telemetry receive antennas inasmuch as those antennas are

<sup>1</sup> Ex Parte Comments of GE Healthcare filed December 27, 2007 at page 7 ("BSNs must be capable of reliably conveying unprocessed life-critical monitoring data to devices that are responsible for processing and primary alarming").

Marlene S. Dortch  
February 15, 2008  
Page 2

located on towers precisely so they can detect aircraft at long range and zero degree elevations (that's why aircraft manufacturers undertake the cost and trouble of constructing such towers in the first place); and that the Commission's experience with regulation of biomedical telemetry devices has been a difficult one involving numerous complaints of interference to such secondary devices from higher-powered primary incumbents.

Finally, the AFTRCC representatives urged that given the Commission's experience no point would be served by seeking comment on a secondary allocation for life-critical devices in this aeronautical band -- a proposal which, if ever adopted, would be fraught with problems for BSNs, for flight testing, and for the Commission.

A copy of this ex parte submission is being submitted for the record in the above-referenced dockets.

Sincerely,



William K. Keane  
Counsel for Aerospace and Flight Test  
Radio Coordinating Council

WKK/jmd

cc: Julius Knapp  
Bruce Romano  
Geri Matise  
Gary Thayer  
Mark Settle  
Darryl J. Holtmeyer  
Danny Hankins  
Don Hoehn  
Daniel G. Jablonski