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October 9, 2008

**BY ELECTRONIC FILING**

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

**Re: *Notice of Ex Parte Presentation, WP Docket No. 07-100***

Dear Ms. Dortch:

On October 8, 2008, Tyco Electronics' Greg Henderson, Director for Broadband Products and Technology, and JoAnne Dalton, Director for Government Marketing and Patricia Paoletta, counsel to Tyco Electronics, met first with Erika Olsen, Legal Advisor, Wireless and International Issues to Chairman Kevin Martin, and then with Jeff Cohen, Senior Legal Advisor to the Public Safety and Homeland Security Bureau regarding Tyco Electronics'<sup>1</sup> petition to amend the Part 90 rules governing use of the 4.9 GHz band for public safety.<sup>2</sup>

Tyco Electronics provides critical radio communications systems for EMS, firefighters, police, federal law enforcement and other private radio user segments. Tyco provides public safety broadband network systems that are Internet Protocol("IP")-based, and allow public safety users to run many simultaneous applications across the network in the form of digitized packets.

Tyco Electronics met with Ms. Olsen and Mr. Cohen to express its support of a 4.9 GHz order that provides primary status to permanent fixed links that are part of an integrated 4.9 GHz public safety network.

Mr. Henderson noted that some public safety customers were using their 4.9 GHz licenses in an innovative way to create *ad hoc* mobile hotspots, through a mobile command bus

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<sup>1</sup> Since the recent sale of M/A-COM's aerospace and defense device business to Cobham plc including the use of the name "M/A-COM", the public safety wireless company is doing business as Tyco Electronics.

<sup>2</sup> See *Amendment of Part 90 of the Commission's Rules*, Petition for Clarification or, in the Alternative, Petition for Rulemaking of M/A-COM, Inc., WP Docket No. 07-100 (adopted May 24, 2007).

driven at the incident scene, to provide connectivity between data applications, converting LMR voice into IP at the towers, then transferring that voice across the network in packets and terminating to other IP devices, such as IP dispatch consoles, laptops, digital radios, or after being translated to analog, to legacy police radios. This application of using 4.9 GHz broadband to provide nomadic voice and data connectivity, which was devised by a public safety user, shows the Commission's wisdom of providing flexibility to public safety users, as the Commission recently stated in the Further Notice of Proposed Rulemaking ("FNPRM") on the public safety shared wireless broadband network.<sup>3</sup> Mr. Henderson noted that the list of broadband applications required in the FNPRM for that network includes voice.<sup>4</sup>

Tyco Electronics supports clarification of the rules to provide primary status for permanent fixed GHz links of an integrated system to carry IP-based broadband applications such as IP voice, video, database downloads, biometric sensors, etc.

Tyco Electronics therefore respectfully requests that the Commission issue an order that amends *Subpart Y – Regulations Governing Licensing and Use of Frequencies in the 4940-4950 MHz Band* in the immediate term to provide that 4.9 GHz licensees have authority to operate on a primary basis point-to-point and point-to-multipoint permanent fixed links using directional antennas that are a part of an integrated 4.9 GHz public safety network.<sup>5</sup> Tyco Electronics also supports the Commission's proposal to amend Section 90.1215 to reflect the revised measurement procedures adopted by the Commission for devices that use digital modulation techniques and are regulated by Part 15 of the Rules, so as to permit the determination of a

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<sup>3</sup> See *The 4.9 GHz Band Transferred from Federal Government Use*, Memorandum Opinion and Order and Third Report and Order, WT Docket No. 00-32, 18 FCC Rcd 9152, 9166 ¶32 (2003) ("Part 90 Order") ("the Commission expressed concern that prohibiting fixed uses in the band would restrict licensee flexibility and could prohibit future technologies that could benefit public safety."); see also Part 90 Order, 18 FCC Rcd 9174 ¶ 56 ("It is our intent in this proceeding to adopt service rules that promote both flexibility and compatibility."); see also *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Third Further Notice of Proposed Rulemaking, WT Docket No. 06-150 at 40 ¶ 106 (rel. Sept. 25, 2008) ("D-Block 700 MHz Further NPRM") ("[W]e find that any effort to prohibit certain types of applications would be counterproductive to encouraging development and use of the shared wireless broadband network. We note that emerging networks and technologies are capable of accommodating a wide variety of services. We expect that operators and users of the shared wireless broadband network will make reasonable judgments as to the applications that will run on the network and will adapt the network to meet evolving requirements.") If such flexibility is appropriate for the shared regional or national broadband network, it is surely as desirable for wide-area networks provided for in 4.9 GHz.

<sup>4</sup> See D Block 700 MHz Further NPRM at 37 ¶ 95 ("[*Second Report and Order* mandated] Specifications for a broadband technology platform that provides mobile voice, video and data capability that is seamlessly interoperable across agencies, jurisdictions, and geographic areas."); see also D Block 700 MHz Further NPRM at 42 ¶ 110 ("We tentatively conclude that the network must provide voice, video, and data capabilities that are interoperable across agencies, jurisdictions, and geographic areas.").

<sup>5</sup> See *Amendment of Part 90 of the Commission's Rules*, Notice of Proposed Rulemaking and Order, WP Docket No. 07-100, 22 FCC Rcd 9595 (2007).

device's output power by using average power measurements in addition to the existing peak output power measurement method.<sup>6</sup>

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter has been filed via ECFS with your office and served on the Commission staff noted below. Should you have any questions, please do not hesitate to contact me by telephone at +1 202 730 1314 or by email at [tpaoletta@harriswiltshire.com](mailto:tpaoletta@harriswiltshire.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Paoletta', written in a cursive style.

Patricia Paoletta  
*Counsel for Tyco Electronics*

cc: Erika Olsen  
Bruce Gottlieb  
Renee Crittendon  
Wayne Layton  
Angela Giancarlo  
Derek Poarch  
Jeff Cohen  
Tom Beers  
Zenji Nakazawa

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<sup>6</sup> *Id.* 22 FCC Rcd 9604-05 ¶ 23.