Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
UltraVision Security Systems, Inc.	)	ET Docket No. 06-195
Request for Interpretation and Waiver of	)	
Section 15.511 of the Commission's Rules	)	
for Ultra-Wideband Devices	)	

To: The Commission

REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION

The Association for Maximum Service Television, Inc. ("MSTV")[1] writes in response to the Opposition to Petition for Reconsideration ("Opposition") filed by UltraVision Security Systems, Inc. ("UltraVision") on December 31, 2008 with respect to the *UltraVision Waiver*.[2] UltraVision's Opposition fails to respond effectively to the fundamental point made in MSTV's Petition: that the *UltraVision Waiver* was made without sufficient consideration of the risk of interference posed by UltraVision's ultra-wideband ("UWB") surveillance system, and that this interference will harm the public's access to free, over-the-air television.

MSTV's reiteration of the concerns that it has made in the record in this proceeding is not an "about-face," as alleged by UltraVision. Nor is MSTV "disputing its own

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[1] MSTV is a nonprofit trade association of local broadcast television stations committed to achieving and maintaining the highest technical quality of the local broadcast system.

[2] *In the Matter of UltraVision Security Systems, Inc. Request for Interpretation and Waiver of Section 15.511 of the Commission's Rules for Ultra-Wideband Devices*, Order, ET Dkt. No. 06-195, FCC 08-263 (rel. Nov. 20, 2008) ("*UltraVision Waiver*").

figures for the separation distances."[3] MSTV's consistent position has been that this waiver should not have been granted based on UltraVision's likelihood of interference to television viewers. As evidence of that potential MSTV submitted an interference study by the Canadian Research Centre that shows substantial interference to distances of 452 feet for analog television and 78 feet for digital television. As set forth in the test report, these tests were all done using an indoor antenna. Given the use of an outdoor antenna with higher and more effective gain, it is of course necessary to increase these distances, which UltraVision and the FCC should surely recognize.

UltraVision claims in its Opposition that the boundary requirements adopted by the Commission in the *UltraVision Waiver* "give MSTV all of the substantive relief it indicated was necessary."[4] That emphatically is not the case.[5] MSTV's Comments in this proceeding urged that the Commission deny the waiver because UltraVision's unlicensed UWB devices will create significant and harmful interference to existing licensed television services in the band.[6] MSTV did not agree that the boundary requirements were sufficient; for the reasons set forth

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[3] *See* Opposition at 1. *See also* Opposition at 5 (observing that the Commission adopted protective rules based on the Canadian Research Centre study and claiming that "[i]n a surprise turnaround, MSTV now seeks to attack those numbers").

[4] Opposition at 1.

[5] *See* Comments of MSTV, ET Dkt. No. 06-195 (filed Feb. 22, 2007), at 4 (stating that "[a] dismissal of this petition is the only effective means of preventing the interference that UltraSensor will cause to broadcasting services").

[6] MSTV also asserted that UltraVision failed to satisfy the Commission's legal standard for granting a waiver. UltraVision also required a waiver of Section 15.511's end-user eligibility rules. Thus, UltraVision's assertion that the "sole regulatory issue arises from its having no emissions at all above 960 MHz" is incorrect. *See* Opposition at 3.

above, they clearly are not.[7] Moreover, it is not a matter of satisfying MSTV; it is a matter of satisfying American consumers.

Prior coordination with broadcasters, as could be accomplished via a publicly accessible database describing UltraVision's operations under the *UltraVision Waiver*, is necessary to protect television viewers. While the Commission adopted a requirement that UltraVision coordinate with the NTIA, there is no ability for broadcasters to determine whether interference to their operations is caused by UltraVision's unlicensed UWB operations. UltraVision categorical claim that coordination is an alternative to separation distances is incorrect.[8] Rather, coordination is typically an alternative to separation distances in cases where the new service is licensed.

With a licensed service, interested parties can access publicly available information from the Commission's databases in order to determine the source of interference. With unlicensed devices, rarely will broadcasters, the Commission, or the public even be aware of the cause of the harmful interference. If unable to receive a station's signal, viewers may simply assume that the interference is caused by a problem with the broadcaster's transmission or their television sets. This is especially true in the instant case as interference from UWB

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[7] *See also* MSTV's Reply to Opposition of UltraVision Security Systems, Inc., File No. 0105-EX-PL-2006, at 5 (filed March 21, 2007) (noting that "UltraVision's proposed voluntary license condition of not operating within 78 feet of residences after February 18, 2009 (452 feet until then) is not acceptable. UltraVision states that although MSTV claims that the device can cause interference to television reception up to those distances, according to MSTV's own calculations, there will be no risk beyond those distances. That statement mischaracterizes what MSTV has said…. [T]here is still no data as to the exact minimum distances at which UltraVision's ultrawideband operations must operate to protect the public's free, over-the-air television service.").

[8] *See* Opposition at 9 (claiming that "MSTV might reasonably demand adequate separation, or coordination, but not both").

emissions may affect reception on multiple channels. Viewers are more likely to change the channel, or return the television to the stores, than they are to call the broadcaster. A database describing UltraVision's operations (including the location and contact information for UltraVision sites) will not impose a great burden on UltraVision and will advance the public interest by providing a solution to the risk of interference.

CONCLUSION

For the reasons set forth above and in its Petition for Reconsideration, MSTV urges the Commission to reconsider its grant of the *UltraVision Waiver*. At a minimum, the Commission should reconsider the conditions imposed as part of the *UltraVision Waiver*, and in particular, the Commission should require that UltraVision coordinate its operations with broadcasters.

Respectfully submitted,

/s/_____
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January 5, 2009

CERTIFICATE OF SERVICE

I, Eve Pogoriler, an attorney at the law firm of Covington & Burling LLP, do hereby certify that on this 5th day of January, 2009, I caused a copy of the foregoing "Reply to Opposition to Petition for Reconsideration" to be sent via electronic mail, to the following:

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