

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment of the Commission’s Rules to) ET Docket No. 08-59
Provide Spectrum for the Operation of Medical)
Body Area Networks)

**COMMENTS OF THE WIRELESS COMMUNICATIONS ASSOCIATION
INTERNATIONAL, INC.**

The Wireless Communications Association International, Inc. (“WCAI”), by its attorneys and pursuant to Section 1.415 of the Commission’s Rules, hereby submits its views in response to the Commission’s *Notice of Proposed Rulemaking* soliciting comment on, among other things, the possible authorization of Medical Body Area Network (“MBAN”) systems using the 2360-2400 MHz band.¹ WCAI takes no position as to the need for additional spectrum for MBAN systems, or which of the specific spectrum bands under consideration in the *MBAN NPRM* is most appropriate for such systems. However, consistent with the position WCAI has advanced throughout this proceeding, should the Commission choose to authorize MBAN operations in the 2360–2400 MHz band, the Commission rules implementing that decision should clearly establish that MBAN operations are only afforded secondary status consistent with Section 2.105(c)(2) of the Commission’s Rules.

The *MBAN NPRM* has its genesis in a proposal by GE Healthcare (“GEHC”) that spectrum in the 2360-2400 MHz band be allocated on a secondary basis to allow the deployment

¹ Amendment of the Commission’s Rules to Provide Spectrum for the Operation of Medical Body Area Networks, *Notice of Proposed Rulemaking*, 24 FCC Rcd 9589 (2009) (“*MBAN NPRM*”).

of low-powered wireless body sensor networks.² In May 2008, WCAI filed comments in response to the GEHC proposal.³ In those comments, WCAI stated that it had no objection to the proposed reallocation “*provided that [MBAN systems] truly will be limited to secondary status under Section 2.105(c)(2) of the Commission’s Rules.*”⁴

WCAI’s concern about the GEHC proposal arose from the limited information GEHC had put on the record about the vulnerability of MBAN devices to potential out-of-band emissions or overload from nearby Wireless Communications Service use of 2305-2320/2345-2360 MHz, Broadband Radio Service and Education Broadband Service use of 2496-2690 MHz and/or unlicensed wireless broadband at 2400-2483.5 MHz, among others.⁵ Compounding WCAI’s concern was the fact that while the specific rules proposed by GEHC called for MBANs to be secondary to other uses of the 2360-2400 MHz band, those proposed rules did not clearly provide that MBANs would be secondary with respect to services utilizing nearby spectrum bands.⁶ WCAI’s fear, simply stated, was that because MBAN devices are envisioned by GEHC as inexpensive (and thus quite vulnerable to interference), affording MBAN system primary status could impose substantial burdens on those operating in nearby bands. Accordingly, WCAI requested that any notice of proposed rulemaking issued by the Commission should clearly call

² See *id.*; see also Ex Parte Comments of GE Healthcare, ET Docket Nos. 06-135 *et al.* (filed Dec. 27, 2007).

³ Comments of Wireless Communications Association International, Inc., ET Docket No. 08-59 (filed May 27, 2008) (“WCAI Comments”); see also Office of Engineering Technology to Treat Ex Parte Comments of GE Healthcare as Petition for Rule Making and Seeks Comment, *Public Notice*, 23 FCC Rcd 6854 (2008); Letter from Paul J. Sinderbrand, counsel to Wireless Communications Association International, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 08-59 (filed Sept. 16, 2008).

⁴ WCAI Comments at 1 (emphasis in original).

⁵ See *id.* at 2-3

⁶ See *id.* at 2-5.

for MBAN systems or other facilities operating under the proposed allocation for the 2360-2400 MHz band to be afforded secondary status relative to all other operations, not just operations in the 2360-2400 MHz band.⁷

Subsequently, WCAI and GEHC came to agreement clarifying the scope of GEHC's proposed secondary status for MBANS.⁸ Specifically, GEHC acknowledged that it "intends for MBANS to be secondary in the usual sense, as required by 47 C.F.R. § 2.105(c)(2) (*i.e.*, secondary to *all* primary services, regardless of frequency band, so long as the primary services operate consistent with their operations)."⁹ To provide certainty, GEHC and WCAI submitted correspondence to the Commission reflecting their agreement that footnote NG186 and Sections 95.1611 and 95.1617 of the Commission's Rules should read as follows:

NG186: The 2360-2400 MHz band is allocated on a secondary basis for non-Federal mobile use for Medical Body Area Network Service (MBANS) operations. MBANS mobile and MBANS aeronautical mobile uses are prohibited in the 2360-2390 MHz band. MBANS stations are authorized by rule on the condition that they do not cause harmful interference to, and must accept interference from, stations authorized to operate on a primary basis.

§ 95.1611 Channel use policy.

(b) Operation is subject to the condition that MBANS transmitters do not cause harmful interference to, and must accept interference from, stations authorized to operate on a primary basis.

§ 95.1617 Labeling requirements.

⁷ *Id.* at 5 (noting that proposed NG Footnote 186, Section 95.1611(b) and Section 95.1617(a) should be amended accordingly).

⁸ *See* Letter from GE Healthcare, to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 08-59 (filed Sept. 25, 2008) ("GE Healthcare Letter"); Letter from Paul J. Sinderbrand, counsel to Wireless Communications Association International, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 08-59 (filed Sept. 25, 2008) ("WCAI Letter").

⁹ GE Healthcare Letter (emphasis in original).

(a) MBANS master transmitters shall be labeled as provided in Part 2 of this chapter and shall bear the following statement in a conspicuous location on the device: “This device may not interfere with stations authorized to operate on a primary basis and must accept any interference received, including interference that may cause undesired operations.”¹⁰

Thus, WCAI is pleased that the *MBAN NPRM* recognizes “the necessity of affording interference protection to incumbent primary users” and that the Commission proposes to “require that MBANs not cause harmful interference to and accept interference from Federal and non-Federal stations operating in accordance with the Table of Frequency Allocations.”¹¹ However, the Commission has not provided the public any specific draft rules upon which to comment, nor does the *MBAN NPRM* reference the specific language that GEHC and WCAI had crafted to make clear that MBAN systems are secondary. Thus, it is impossible for WCAI to determine whether the Commission is contemplating to incorporate the specific language proposed by GEHC-WCAI to clarify MBAN systems’ secondary status.

WCAI’s position remains unchanged – it does not object to the proposed secondary use of the 2360-2400 MHz band for MBANs, so long as such use is fully subject to Section 2.105(c)(2) of the Commission’s Rules.¹² To that end, adoption of the specific rule language

¹⁰ *Id.* (strike-through text denoting deletions omitted); WCAI Letter.

¹¹ *MBAN NPRM*, 24 FCC Rcd at 9596-97. The Commission has also sought comment on whether potential interference among MBAN devices and Aeronautical Mobile Telemetry (“AMT”) can be avoided by limiting MBANs to the 2300-2305 MHz and 2395-2400 MHz bands, and affording MBANs primary status there. *See id.* at 9597-98. WCAI expresses no view on this proposal, except that if it is adopted, MBANs should only be primary relative to AMT, and should remain secondary relative to all other services. Otherwise, other services in close proximity to the 2300-2305 MHz and 2395-2400 MHz bands may be substantially hampered by a need to accommodate a new primary service.

¹² 47 C.F.R. § 2.105(c)(2)(ii) provides that stations of a secondary service “[c]annot claim protection from harmful interference from stations of a primary service to which frequencies are already assigned or may be assigned at a later date.”

agreed to by GEHC and WCAI will provide certainty regarding the interference regime applicable for MBAN systems. To address the concerns WCAI raised in its earlier filing (which in the interest of brevity are incorporated by reference), the Commission should not leave any room for doubt about the full applicability of Section 2.105(c)(2) to MBAN devices.

WHEREFOR, for the above stated reasons, WCAI submits that, if the Commission elects to authorize MBAN systems in the 2360-2400 MHz band, it should adopt the specific rule provisions agreed to by WCAI and GEHC to make clear that MBANs operations are secondary relative to all other services.

Respectfully submitted,

**THE WIRELESS COMMUNICATIONS
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