Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of Part 90 of the Commission's Rules	)	WT Docket No. 07-100
	)	
	)	

REPLY COMMENTS OF ITRON, INC.

Itron, Inc. ("Itron") hereby replies to comments filed with regard to the question posed in the Second Further Notice of Proposed Rulemaking ("Second Further Notice")[1] as to whether to allow Wireless Medical Telemetry Service ("WMTS") secondary operations on the non-medical portion of the 1427-1432 MHz band.

In response to the Second Further Notice, no new information has been provided and only one comment has been filed in favor of allowing WMTS secondary operations. Given the unresolved concerns about the impact of secondary operations on patient safety, the Commission should not grant WMTS secondary status on the non-medical portion of the band.

DISCUSSION

The Commission sought comment on what measures must be taken to avoid interference to WMTS devices, noting that the existing record did not provide a basis for it to determine whether WMTS could operate on a secondary

[1] *Amendment of Part 90 of the Commission's Rules*, Second Report and Order and Second Further Notice of Proposed Rule Making, WP Docket No. 07-100 (rel. March 11, 2010) ("Second Further Notice").

basis to telemetry equipment without risk of harmful interference.[2] The Commission also noted the "current lack of safeguards in our rules to promote safe secondary operations."[3] Contrary to the Commission's stated goal of developing an adequate record, no additional information has been provided in response to this request, as discussed below.

Lack of Support for Secondary Use

Two of the three parties filing comments on the WMTS issue agree that the Commission should not change its rules to allow WMTS operation on a secondary basis. Itron noted that the record lacked a basis for allowing WMTS secondary operations, and detailed how smart radio technology would not be sufficient to protect WMTS users from its system.[4] The Land Mobile Communications Council ("LMCC") maintained its opposition to permitting secondary WMTS use on the telemetry portion of the band, noting that there is no record showing that medical telemetry spectrum allocations are inadequate. [5] LMCC also explained that allowing secondary WMTS operations would raise complex issues of managing interference to protect both WMTS and telemetry users, a process that could result in FCC directing medical facilities to cease operations.[6] And, LMCC noted that the present rules strike an "equitable balance" providing the needs of both WMTS and the utilities, railroads and other users of the band. The comments of APCO indicate that APCO agrees with LMCC's position on these issues.[7]

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[2] *See Amendment of Part 90 of the Commission's Rules*, Order on Reconsideration, Docket No. 07-100, at ¶ 4 (rel. May 7, 2010).
[3] *Id.*
[4] Comments of Itron, Inc. at 1 and 2.
[5] Comments and Erratum to Comments of the Land Mobile Communications Council at 3 (filed May 14, 2010).
[6] *Id.* at 4.
[7] Comments of APCO at 1.

The one party supporting secondary WMTS use, Philips Healthcare Systems ("Philips"), which sought the rule change, garnered no support. Moreover, its comments fail to demonstrate that additional WMTS spectrum is needed, stating only that projections indicate increased demand for wireless medical devices.[8] It also did not provide any additional information in response to the Commission's queries regarding how to ensure safe WMTS operations. Given that Philips intends to use secondary operations for such uses as monitoring mobile cardiac patients, as well as critical surveillance for arrhythmia after a stroke, Itron remains concerned about potential interruption to WMTS transmissions that could threaten human health or safety.

Issues Raised by Phillips

Phillips suggests that allowing secondary operations would decrease the potential of interference because WMTS devices would have more spectrum to use.[9] While this may be true in terms of interference among WMTS devices, it ignores the fact that allowing WMTS operations on the non-medical portion of the band would increase the risk of interference to the non-medical users, which hold primary usage rights to the spectrum.

Philips also mentions the benefits to WMTS of using the non-medical portion of the band in locations where no operating systems are deployed. Itron's concern with this is twofold. First, it would be unfair to primary users to have to work around WMTS operations to build out their systems, should they determine to enter a new geographic area. Once WMTS is operating in an area, it becomes harder for non-medical telemetry users to enter that area. Second, it would be difficult to displace WMTS users should a non-medical user desire to enter the band, especially given that medical personnel charged with using the WMTS devices usually are not trained in radio use.

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[8] Comments of Philips Healthcare Systems at 8.
[9] Comments of Philips Healthcare Systems at 3.

Prior Coordination is Necessary

Finally, Philips opposes prior notification of WMTS secondary use on the basis that the frequency coordinators will have access to device deployment information.[10] It is unclear whether Philips opposes the prior coordination scheme discussed by Itron.[11] Based on Itron's experience building-out systems, as well as in dealing with spectrum "flipping" issues in this band, it is imperative that non-medical telemetry users know in advance about forthcoming WMTS secondary operations so that proper coordination can be achieved.

CONCLUSION

For the reasons described herein, Itron urges the Commission to retain the present service rules for the 1427-1432 MHz band.

Respectfully submitted,

ITRON, INC.

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[10] Comments of Philips Healthcare Systems at 10.
[11] Comments of Itron, Inc. at 3.