



Federal Communications Commission
Washington, D.C. 20554

August 6, 2010

Mitchell Lazarus
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th floor
Arlington, VA 22209

Dear Mr. Lazarus:

This letter responds to your April 27, 2010 request¹ on behalf of L-3 CyTerra (CyTerra), a division of L-3 Communications Corporation, for further modification of the waiver granted to permit certification and use of CyTerra's Electromagnetic Motion Detection and Ranging (EMMDAR) sensor.² For the reasons set forth below, we grant the further modification request.

On November 24, 2009, the Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau granted a waiver to CyTerra to permit certification and use of the EMMDAR sensor in the 3100-3500 MHz band. The waiver specified an emission mask that was based on information provided by CyTerra. On January 28, 2010, you stated that the production version of the EMMDAR could not meet the emission values specified in the *Order*, and requested that the waiver be modified.³ We concluded that the requested technical parameters were still well within the Commission's technical limits and would not result in interference to other users, so we granted the request.⁴

On April 27, 2010, you stated that CyTerra was still having trouble meeting the modified emission values, and requested that the waiver be further modified to require that the emission be attenuated 50 dB below the peak and average power on any frequency removed from the operating frequency from 100 Hz to 10 kHz, and that the emission meet the limits of Section 90.210(c) of the Commission's Rules on any frequency removed from the operating frequency by more than 10 kHz.⁵ On May 5, 2010, you provided additional technical information, at the request of Commission staff. Again, we conclude that updated technical parameters are within the Commission's technical limits and are not likely to result in interference to other users, so we grant the request.

¹ E-mail dated April 27, 2010 from Mitchell Lazarus to Monica Desai, David Furch and Julius Knapp.

² L-3 CyTerra, *Order*, WP Docket No. 09-2, 24 FCC Rcd 14147 (WTB/PSHSB 2009) (*Order*).

³ E-mail dated January 28, 2010 from Mitchell Lazarus to Julius Knapp. Specifically, the *Order* required that the emission be 70 dB below the peak instantaneous power on any frequency removed from the operating frequency by more than 0.1 kHz, and 90 dB below the peak instantaneous power on any frequency removed from the operating frequency by more than 1 kHz, *see Order*, 24 FCC Rcd at 14150 n.26; and you requested that it be modified to require that the emission be 50 dB below the peak instantaneous power on any frequency removed from the operating frequency by more than 0.1 kHz, and 70 dB below the peak instantaneous power on any frequency removed from the operating frequency by more than 1 kHz.

⁴ Letter dated February 17, 2010 from Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunication Bureau to Mitchell Lazarus.

⁵ 47 C.F.R. § 90.210(c). The device must also meet the limits of Section 90.210(c) using peak and average measurements.

Accordingly, IT IS ORDERED that the request of L-3 CyTerra, dated April 27, 2010, to modify the waiver granted in WP Docket 09-2 on November 25, 2009, IS GRANTED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION



Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau