

January 28, 2011

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Amendment of the Commission's Rules to Provide Spectrum for the
Operation of Medical Body Area Networks* -- ET Docket No. 08-59:
WRITTEN EX PARTE COMMUNICATION

Dear Ms. Dortch:

I am writing on behalf of the Wireless Communications Association International, Inc. (“WCAI”) with respect to the recent *ex parte* filing by GE Healthcare (“GE”), Philips Healthcare (“Philips”) and the Aerospace & Flight Test Radio Coordinating Council (“AFTRCC”) that, among other things, proposed specific Commission rules intended to protect aeronautical mobile telemetry (“AMT”) operations from secondary medical body area network service (“MBANS”) telemetry operations in healthcare facilities.¹ WCAI generally takes no position regarding the proposal. However, WCAI does believe that the proposed language of both footnote US276 to the Table of Frequency Allocations and Section 95.1615(b) of the Commission’s Rules must be revised to leave no doubt that MBANS devices will be secondary to all primary services, not just primary services in the 2360-2400 MHz band.

This issue is not a new one. When GE first submitted draft rules for MBANS, WCAI expressed concern that those rules did not clearly specify that MBANS would be secondary with respect to services utilizing spectrum bands other than 2360-2400 MHz.² Subsequently, WCAI and GE agreed to clarify the scope of GE’s proposed secondary status for MBANS, and

¹ See Letter from William K. Keane, Counsel to AFTRCC, David R. Siddall, Counsel to Philips and Ari Q. Fitzgerald, Counsel to GE, to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 08-59 (filed Jan. 14, 2011)[“GE/Philips/AFTRCC Letter”].

² See Comments of Wireless Communications Association International, Inc., ET Docket No. 08-59, 2-5 (filed May 27, 2008).

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submitted edits to GE's proposed rules to make clear that, if authorized, MBANS will be secondary to all primary services.³ In response to the *Notice of Proposed Rulemaking* in this proceeding, which did not include specific proposed rules, WCAI again urged the Commission to make clear that MBANS will be secondary to all primary services by adopting the GE/WCAI proposed rules.⁴

Due to what WCAI understands was an inadvertent oversight, the rules recently proposed by GE, Philips and AFTRCC are not fully consistent with the agreement WCAI and GE had previously reached. To correct that oversight and leave no doubt regarding the secondary status of MBANS, two changes are necessary. First, the additional language that GE, Philips and AFTRCC propose be added to footnote US276 of the Table of Allocations should be revised as follows:

The 2360-2395 and 2395-2400 MHz bands also are allocated on a secondary basis for fixed and mobile use limited to Medical Body Area Network Service (MBANS) devices. MBANS devices 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 ~~in these bands~~.⁵

In addition, proposed Section 95.1615(b) should be modified as follows:

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 ~~in the 2360-2400 MHz band~~.⁶

Counsel for WCAI has been authorized by counsel for GE, Philips and AFTRCC to represent to the Commission that GE, Philips and AFTRCC have no objection to adoption of the proposed modifications.

Pursuant to Section 1.1206(b)(1) of the Commission's Rules, this letter is being filed through the Electronic Comment Filing System for inclusion in the public record of the above-

³ See Letter from Ari Q. Fitzgerald, Counsel to GE, *et al.*, to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 08-59 (filed Sept. 25, 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. 25, 2008).

⁴ See Comments of Wireless Communications Association International, Inc., ET Docket No. 08-59 (filed Oct. 5, 2009).

⁵ See GE/Philips/AFTRCC Letter, Att. C at 9 (language to be deleted shown in red with strikethrough).

⁶ See *id.* at 4.

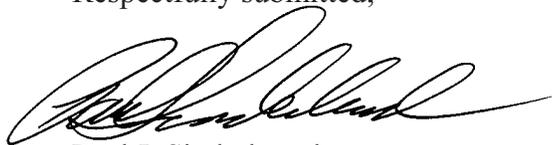
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reference proceeding. Should you have any questions regarding this submission, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Sinderbrand", written in a cursive style.

Paul J. Sinderbrand

Counsel to the Wireless Communications
Association International, Inc.

cc: Ari Q. Fitzgerald
David R. Siddall
William K. Keane
Bruce Romano
Geraldine Matise
Jamison Prime