

February 7, 2011

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: *Ex Parte Notice in ET Docket No. 08-59*

Dear Ms. Dortch:

On Friday, February 4, 2011, Orrin Marcella, on behalf of GE; Tom Patton, on behalf of Philips; Frank Weaver, on behalf of Boeing; Ken Keane, Counsel to the Aerospace and Flight Test Radio Coordinating Council ("AFTRCC"); David Siddall, Counsel to Philips Healthcare, and the undersigned, Counsel to GE Healthcare, met with Edward Lazarus, FCC Chief of Staff; Rick Kaplan, Chief Counsel and Senior Legal Advisor to Chairman Genachowski; and Julius Knapp, Chief of the Commission's Office of Engineering & Technology. The industry representatives also spoke briefly with Austin Schlick, FCC General Counsel, following the meeting.

In the meeting with Messrs. Lazarus, Kaplan and Knapp, the industry representatives discussed a joint proposal for resolving the contentious spectrum sharing issues raised in this proceeding that was developed by GE Healthcare, Philips Healthcare and AFTRCC and submitted on January 14, 2011 into the docket in this proceeding ("Joint Proposal").¹ The industry representatives referred to the Joint Proposal as a major breakthrough in this proceeding, and urged the Commission to adopt it without significant change after coordination with the National Telecommunications and Information Administration ("NTIA").

In support of the Joint Proposal, the representatives of GE and Philips explained that the Joint Proposal would achieve many of the healthcare-related objectives of the Commission's National Broadband Plan ("NBP"). They noted that the Joint Proposal would allow for the operation on a secondary basis of Medical Body Area Network ("MBANS") devices for use in monitoring a wide range of patient physiological parameters and stressed the importance of such devices to improving the effectiveness and efficiency of patient care, minimizing the risk of infection, improving patient comfort and mobility during monitoring and preventing more debilitating and costly diseases that occur when patients are not effectively monitored inside or outside healthcare facilities.

¹ See *Ex Parte* of AFTRCC, Philips Healthcare and GE Healthcare (Jan. 14, 2011).

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The representatives of the aerospace industry stressed that the Joint Proposal would ensure that the new MBANS devices would not cause harmful interference to important, primary flight test operations in the 2360-2395 MHz band. Moreover, as indicated in previous *ex parte* filings, AFTRCC noted that its support for the Joint Proposal is contingent upon review and approval of draft rules by its government flight test partners and, of course, NTIA. During the meeting, Ken Keane, Counsel to AFTRCC, also circulated to the Commission staff participants the attached document indicating AFTRCC's membership.

In their brief remarks to Austin Schlick, the industry group emphasized the group's support for the Joint Proposal and that it is consistent with the terms of the NPRM issued in this proceeding.

Pursuant to Section 1.1206 of the Commission's rules, an electronic copy of this letter is being filed for inclusion in the above-reference docket.

Respectfully submitted,

/s/ Ari Q. Fitzgerald

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Attachment

cc: Edward Lazarus
Rick Kaplan
Julius Knapp
Austin Schlick

Aerospace and Flight Test Radio Coordinating Council Members

