



Mercedes-Benz

Mercedes-Benz USA, LLC
A Daimler Company

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)

Amendment of Sections 15.35 and 15.253 of)
the Commission's Rules Regarding Operation)
of Radar Systems in the 76.0-77.0 GHz Band.)

ET Docket No. 11-90
RM-11555

Amendment of Section 15.253 of the)
Commission's Rules to Permit Fixed Use of)
Radar in the 76-77 GHz Band.)

ET Docket No. 10-28

REPLY COMMENTS OF THE
MERCEDES-BENZ USA, LLC

The Mercedes-Benz USA, LLC, on behalf of our parent company, Daimler AG, (hereinafter MBUSA) submits these reply comments in response to the recent *Notice of Proposed Rule Making* (NPRM)¹ issued by the Commission in the above-captioned proceeding. It should be noted that MBUSA is a member of the Alliance of Automobile Manufacturers (the Alliance), and supports the comments it has provided in this rulemaking proceeding. Finally, MBUSA's parent company, Daimler AG, is a member of the Strategic Automotive Radar Frequency Allocation Group (SARA) and strongly support the technical comments and opinions it has provided in this rulemaking proceeding.

¹ See 76 Federal Register 35176-35181, released May 25, 2011.

Mercedes-Benz USA, LLC
One Mercedes Drive
P.O. Box 350
Montvale, NJ 07645-0350
Phone (201) 573-0600
Fax (201) 573-0117
www.MBUSA.com



We observe there is almost unanimous agreement among the docket's comments with respect to the FCC's proposed modification of the vehicular radar rules and their supporting public safety benefit. However, the National Radio Astronomers Observatory (NRAO) is concerned that the operation of our Adaptive Cruise Control (ACC) technology in the 76-77 GHz band could cause harmful interference with their telescopes. As stated in our July 18th, 2011 comments², over the past eleven years, MBUSA has deployed over 60,000 vehicles with 76-77 GHz and we have received no complaints of harmful interference caused by our vehicles. NRAO cited several ITU-R Reports & Recommendations in their comment³ as well as a photograph of a radio telescope assumed to be in *potential* harm's way with a vehicle possessing 76-77 GHz technology. While we very much appreciate NRAO's concerns and their suggested calculations indicating a *possible* interference issue, we know of no real incidents in which actual interference has ever occurred. Also, even some of the ITU-R Reports & Recommendations cited by NRAO are almost ten years old now and we wonder if the assumptions and calculations are still practicable in real-world driving situations.

MBUSA also strongly opposes NRAO's suggestions that vehicles' be equipped with an 'on/off' switch⁴. Some radar-based safety features, such as our PRESAFE Brake system, are designed to prevent or mitigate a forward collision, so disabling the feature would unnecessarily create safety risk for the vehicle's occupants. Given the immediate and recognized safety benefits to vehicle & highway safety over the last ten years since the deployment of ACC in the 76-77 GHz band, and the reliance and near future deployment of other active safety technologies such as autonomous emergency braking in

² See MBUSA comments filed July 18th, 2011 ET Docket 11-90, RM-11555, page 3.

³ See NRAO comments filed July 18th, 2011 ET Docket 11-90, paragraphs 4-9, pages 2-3.

⁴ *Ibid*, Paragraph 19, page 2.

vehicles; MBUSA believes the FCC should adopt a real, common sense approach to help alleviate any technical concerns while allowing vehicle manufacturers to continue to build on and improve vehicle & highway safety.

We respectfully urge the Commission to consider these facts before you decide on this proceeding to ensure that the actions you take fully protect the existing consumers who currently rely on 76-77 GHz radar-based safety and driver assistance systems. MBUSA will continue to review the docket in this proceeding and we appreciate the Commission's consideration of our comments.

If you have any inquires or correspondence concerning this matter, please feel free to contact Dan Selke, of my staff, at (201) 573-2616, or Daniel.Selke@mbusa.com.

Sincerely yours,



For Frank Diertl
Frank J. Diertl
General Manager
Engineering Services



R-Thomas Brunner
Department Manager
Vehicle Compliance & Analysis

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