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September 26, 2011

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: *Ex Parte Presentation, ET Docket No. 08-59*

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, this letter serves as notification that on September 22, 2011, an oral ex parte presentation was made in the above-referenced proceeding on behalf of the American Society for Healthcare Engineering ("ASHE") of the American Hospital Association ("AHA"). Attending on behalf of ASHE were Dale Woodin, Executive Director of ASHE; John Collins, ASHE Director of Engineering and Compliance; Mark Gibson and Laura Fontaine of Comsearch (as the technical partner to ASHE for WMTS); and the undersigned. Representatives of the FCC's Office of Engineering and Technology in attendance for all or part of the presentation were Alan Stilwell, Geraldine Matise, Mark Settle, Jamison Prime, and Brian Butler.

ASHE provided a brief description of its organizational focus, membership, and its experience after being appointed by the FCC as the database administrator for the Wireless Medical Telemetry Service ("WMTS"). We explained that, because hospitals rarely have an RF engineer on staff, the listed contact person for a healthcare facility in the WMTS database can be from a variety of different departments within a hospital, ranging from the CEO to the nursing or IT director to the purchasing department; and the hospitals often rely on equipment vendors for technical guidance and support and for information on WMTS registration requirements. Because ASHE is known for its leadership role in WMTS and engineering, ASHE often directly receives calls from hospitals on WMTS or interference-related questions, even from hospitals that have not appropriately registered their WMTS equipment.

Based on this experience that healthcare facilities sometimes may reach out to the frequency coordinator instead of the WMTS equipment vendor, ASHE recommends that all

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facilities that are classified as hospitals as defined at Section 1861 of the Social Security Act, 42 U.S.C. § 1395x(e), be required to register with the MBANS coordinator, regardless of which segment of the 2360-2400 MHz band the hospital proposes to use. Because hospitals treat patients with the most acute symptoms, they are the facilities that require the most protection from potential MBANS interference, for example, from broadcaster or other operators seeking special temporary authority (“STA”) to operate in the 2360-2400 MHz band. Registration of all hospital deployments of MBANS equipment will provide the MBANS frequency coordinator with better information to serve the facilities that are treating patients with the most critical needs.

ASHE explained that it believes it is uniquely qualified to serve as the MBANS frequency coordinator because of its WMTS experience, its extensive relationship to hospitals and other health care facilities, its educational and outreach mission, and its involvement to date with MBANS. Due to its institutional concern over patient safety, ASHE will be vigilant that frequency coordination procedures ensure that no patient is deprived of needed monitoring in the event that changes to MBANS operations are required to mitigate interference to a primary licensee in the band. ASHE also confirmed that it would not discriminate in pricing or service based on whether the registering MBANS healthcare facility was an AHA member or if the registering representative was an ASHE member.

In order to protect registered MBANS sites, ASHE recommended that the FCC implement procedures by which the applicant for an STA in the 2360-2400 MHz band will be required to check a database of MBANS registrations in the affected area and, if appropriate, to condition the STA upon completion of coordination of the proposed STA operation with the MBANS frequency coordinator.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

/s/

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Timothy J. Cooney

cc: Alan Stilwell  
Geraldine Matise  
Mark Settle  
Jamison Prime  
Brian Butler