

**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 76-77 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
)	

**OPPOSITION OF THE
TOYOTA MOTOR CORPORATION**

Toyota Motor North America, Inc., on behalf of Toyota Motor Corporation (together, “Toyota”), hereby opposes the petition for partial reconsideration¹ filed by Navtech Radar Ltd. (“Navtech”) in the above-captioned proceedings, which seeks reconsideration of the Federal Communication Commission (“Commission”)’s decision to limit the use of fixed radars in the 76-77 GHz band to airports.²

First, it should be noted that the Navtech Petition is procedurally defective. At no point until now has Navtech sought to participate in these proceedings, and the facts and arguments it has presented do not warrant reconsideration under the standards set forth in Section 1.429 of the

¹ Petition for Partial Reconsideration of FCC-12-72A1 of Navtech Radar Ltd. (filed Sept. 5, 2012) (“Navtech Petition”).

² *Amendment of Sections 15.35 and 15.253 of the Commission’s Rules Regarding Operation of Radar Systems in the 76-77 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, Report and Order, 27 FCC Rcd 7880 ¶¶ 1, 24 (2012) (“Order”).

Commission’s Rules.³ Second, on the merits, Navtech’s assertions of “compelling evidence” that there is “no interference of consequence” between “fixed infrastructure scanning radar and automotive radar”⁴ are largely unsupported and without merit. To the contrary, Toyota has consistently expressed its serious concern – and the unrebutted record in these proceedings reflects – that a proliferation of unlicensed fixed radar systems near public roads in the 76-77 GHz band in fact poses a dangerously high risk of harmful interference to vehicular radars. The resultant adverse effects on vehicle control functionality in turn could cause serious public safety risk to consumers. For these reasons, Toyota believes the Commission should deny the Navtech Petition.

In the extensive record in these proceedings, a number of parties, including Toyota, expressed serious concerns with any proposal by the Commission to generally authorize fixed radar installations in this frequency band regardless of location. And there was no counter-balance to this chorus of concern: the *Order* observes that no party “came forward to support fixed radar applications beyond airport locations” in the 76-77 GHz band.⁵

Although Navtech now “wish[es] to be seen to be ‘coming forward’”⁶ to advocate the deployment of generally deployed fixed radars, the Commission’s rules are clear that a petition for reconsideration in a rulemaking proceeding that relies on facts not previously presented to the Commission will be granted *only* if the information could not have been presented to the Commission at an earlier stage, or the Commission determines that consideration of the information is required in the public interest.⁷ It is apparent that the Navtech Petition fails to comply with these standards; hence there is no basis for granting it. Navtech has made no

³ 47 C.F.R. § 1.429.

⁴ Navtech Petition at 1.

⁵ *Order*, ¶ 26.

⁶ Navtech Petition at 5.

⁷ *See* 47 C.F.R. § 1.429(b)(1)-(3).

showing, for example, as to why it did not participate in earlier phases of these proceedings. Furthermore, the Navtech Petition cites no new events or changed circumstances,⁸ or unknown facts,⁹ that would justify further Commission consideration of its arguments.

Nor does the public interest require an examination of Navtech's submission, which consists primarily of a description of Navtech's scanning radar system, and three anecdotal examples from England and Australia submitted as "evidence" of no reported interference between fixed and vehicular radars.¹⁰ Even taking this information at face value, the current record would be incapable of supporting a policy conclusion that the widespread deployment of fixed radars apart from airport locations should be authorized. To the contrary, Toyota and various other commenters noted that no data or studies to date have warranted a finding that co-existence between generally deployed fixed radars and ubiquitously deployed vehicular radars is readily achievable,¹¹ and indeed, that preliminary data from the More Safety for All by Radar Interference Mitigation ("MOSARIM") project¹² suggest that fixed roadside radar installations may have a high potential of interfering with automotive radars.¹³

Toyota reiterates its belief that advanced vehicular radar technologies will become ever more critical to help enhance collision avoidance and driver safety in the United States. Thus, the Commission must proceed cautiously before jeopardizing the strong public interest in

⁸ 47 C.F.R. § 1.429(b)(1).

⁹ 47 C.F.R. § 1.429(b)(2).

¹⁰ See Navtech Petition at 5-6.

¹¹ See, e.g., Reply Comments of Toyota Motor Corporation (Aug. 1, 2011) (and comments cited).

¹² See MOSARIM, <http://www.mosarim.edu>.

¹³ See Comments of Robert Bosch, GmbH at 7; Comments of Delphi at 2; Comments of SARA at 7; Comments of Toyota at 9. See also *Order*, 27 FCC Rcd at 7887 ¶¶ 21, 22 (noting that "commenters overwhelmingly opposed the use of fixed radar applications in the 76-77 GHz band ... cit[ing] increased interference potential to vehicular radars and a lack of technical analysis and study for fixed radar use in the 76-77 GHz band").

reducing traffic accidents and fatalities. Fixed radar installations of course are not limited to Navtech's particular technology, and there is no basis in the current record from which the Commission can even begin to assess the feasibility of co-existence between fixed and vehicle-mounted radars.

Toyota does not necessarily object if the Commission initiates future proceedings and testing to explore this issue. However, Toyota strongly urges the Commission to deny the Navtech Petition, as it fails to comply with the Commission's Rules and it advocates proposals that may cause potential adverse consequences to the safe operation of vehicular radar systems.

Respectfully submitted,

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