

January 17, 2013

VIA ELECTRONIC FILING

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

Re: In the Matter of Amendment of the Commission's Rules to Provide Spectrum for the Operation of Medical Body Area Networks (ET Docket No. 08-59)

Dear Ms. Dortch:

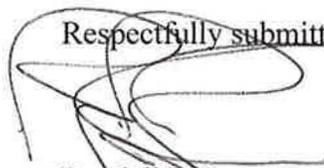
On January 16, 2013, Terrence Peck, Chief Executive Officer of SmartEdgeNet LLC ("SEN"); Michael Ford, Chief Operating Officer of SEN; William Hamel, Vice President of Engineering of SEN; and myself, as counsel for SEN, discussed by telephone with Jamison Prime and Brian Butler of the Office of Engineering and Technology the *ex parte* letter of SEN in the above-referenced matter dated December 20, 2012.

Mr. Peck described the services of SEN and his belief that the use and benefits of Medical Body Area Networks ("MBANs") should be widespread and not, as requested by GE Healthcare, Philips Healthcare and the Aerospace and Flight Test Radio Coordinating Council ("Joint Petitioners") in their Joint Petition for Reconsideration of the *First Report and Order* in this matter ("FRO"), restricted to "hospitals and similar facilities that provide medical treatment for patient stays of 24 or more hours." In the words of SEN's December 20th letter, Mr. Peck also described how "America's healthcare system is regarded as among the world's best, which was accomplished through the application of new technologies to medical care that, in turn, has enabled significant progress;" how "[a]doption of telehealth systems and technologies can be a powerful tool to assure high quality medical care for all peoples, regardless of their location;" and how "[t]he wider adoption of wireless technologies for telehealth promises even greater access and higher quality care, with reduced costs."

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In support of Mr. Peck's belief, it was pointed out that the Chairman stated upon release of the FRO that it permits the U.S. to become "the first country in the world to dedicate spectrum for Medical Body Area Networks in hospitals, clinics, doctors' offices, as well as in homes;" that he expects "it will eventually lead to technologies not just for health care facilities, but also for in-home use;" and that "[t]his item also complements advances in machine-to-machine technology that allows anywhere, anytime medical monitoring over 3G, 4G and Wi-Fi networks." In a similar fashion, Commissioner Rosenworcel stated that "[i]t frees patients from being tethered to a messy collection of wires and devices, both in the hospital and in the home" and that she hopes "that Commission staff, working with interested parties, will proceed quickly through the next stages of this proceeding so that MBAN devices will soon become available in our hospitals and homes." In other words, both the Chairman and Commissioner Rosenworcel do not view MBANs as restricted to hospitals or hospital-like facilities.

Mr. Peck concluded that, as also stated in the December 20th letter, the FCC should encourage the development of technological innovation through the implementation of policies that will reduce regulatory barriers to telehealth, not increase them as proposed by the Joint Petitioners. Mr. Peck and myself also renewed SEN's request that the Commission deny that portion of the Joint Petition for Reconsideration that seeks to scale back the definition of "health care facility" for the use of the 2360-2390 MHz spectrum by MBANs.

Respectfully submitted,

Randall B. Lowe
Attorney for SmartEdgeNet, LLC

cc: Brian Butler
Jamison Prime