

April 25, 2014

By Electronic Filing

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

Re: *Ex Parte Communication, GN Docket No. 12-268, In the Matter of
Expanding the Economic and Innovation Opportunities of Spectrum
Through Incentive Auctions*

Dear Ms. Dortch,

This letter is submitted, pursuant to Section 1.1206(b)(1) of the FCC's rules, to notify you that representatives of the Wireless Medical Telemetry Service ("WMTS") Coalition met April 24, 2014 with the following staff members of the FCC's Office of Engineering and Technology ("OET"): Julius Knapp, Ira Keltz, Bruce Romano, Jamison Prime, Chris Helzer, Hugh Van Tuyl, Aspasia Paroutsas, and Thai Serey. The WMTS Coalition was represented by Erik Rasmussen of the American Hospital Association; Mark Gibson and Laura Fontaine of Comsearch, the technical consultant to the American Society for Healthcare Engineering of the American Hospital Association ("ASHE"); and the undersigned, counsel to ASHE and the WMTS Coalition.

The WMTS Coalition expressed its concern with the Incentive Auction Task Force recommendation to the Commission that Channel 37 should be authorized for use by unlicensed devices before the Commission had determined that rules for such sharing could protect WMTS licensees from interference that would adversely affect the safe monitoring of hospital patients. The Coalition identified the chilling effect that such an approach would have on hospitals and manufacturers of WMTS systems, given the uncertainty as to what the rules might be and how they would impact particular WMTS installations. The Coalition sought to identify several serious concerns that the OET staff should address in the anticipated rulemaking considering these issues.

The Coalition reiterated its concerns about relying solely on the use of geographic "exclusion zones" in which unlicensed devices could not lawfully operate. The Coalition noted that geographic coordinates in the current WMTS database do not necessarily reflect accurately

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the actual locations at which Channel 37 WMTS devices are deployed, particularly as Channel 37 devices may be moved from place to place within a large hospital campus or between campuses of affiliated hospitals. The Coalition also expressed significant concern as to how the rules could protect all existing and future WMTS deployments in Channel 37, particularly given the long useful life of WMTS equipment and how it may be sold on the secondary market. The Coalition noted concern that newly installed Channel 37 WMTS systems could be subject to interference if the technology relied upon by the Commission to inhibit or prohibit unlicensed devices from operating in the “geographic protection zones” failed, particularly since the WMTS licensee would have no easy way of identifying the offending unlicensed device(s). The Coalition also noted that, despite all best efforts, a significant number of WMTS installations may not be registered into the designated database. While such devices may not be fully compliant with the licensing rules of the WMTS service, the Coalition noted that the consequences of interference from an unlicensed device would nevertheless be severe, a situation that clearly would not serve the public interest.

The WMTS Coalition distributed the attached maps to demonstrate, by reference to just two major metropolitan areas, how little geographic areas would be actually be usable by unlicensed devices in urban and suburban markets if the FCC adopted geographic exclusion zones adequate to protect WMTS from interference. The Coalition noted that, in its view, the maps suggest that areas that are most desired for unlicensed use – urban areas -- will be almost completely unavailable.

Given these significant concerns, the Coalition questioned whether the anticipated benefits of making Channel 37 available for unlicensed uses outweigh the risks that harmful interference will occur to a WMTS system due to an unlicensed device malfunctioning or the database not working appropriately. The Coalition sought OET’s assistance in assuring that any rulemaking to consider these issues fully addressed these concerns.

Please contact the undersigned if you have any questions.

Sincerely,

/s/
Lawrence J. Movshin
Timothy J. Cooney

Attachments

cc: Julius Knapp
Ira Keltz
Bruce Romano
Jamison Prime

WILKINSON) BARKER) KNAUER) LLP

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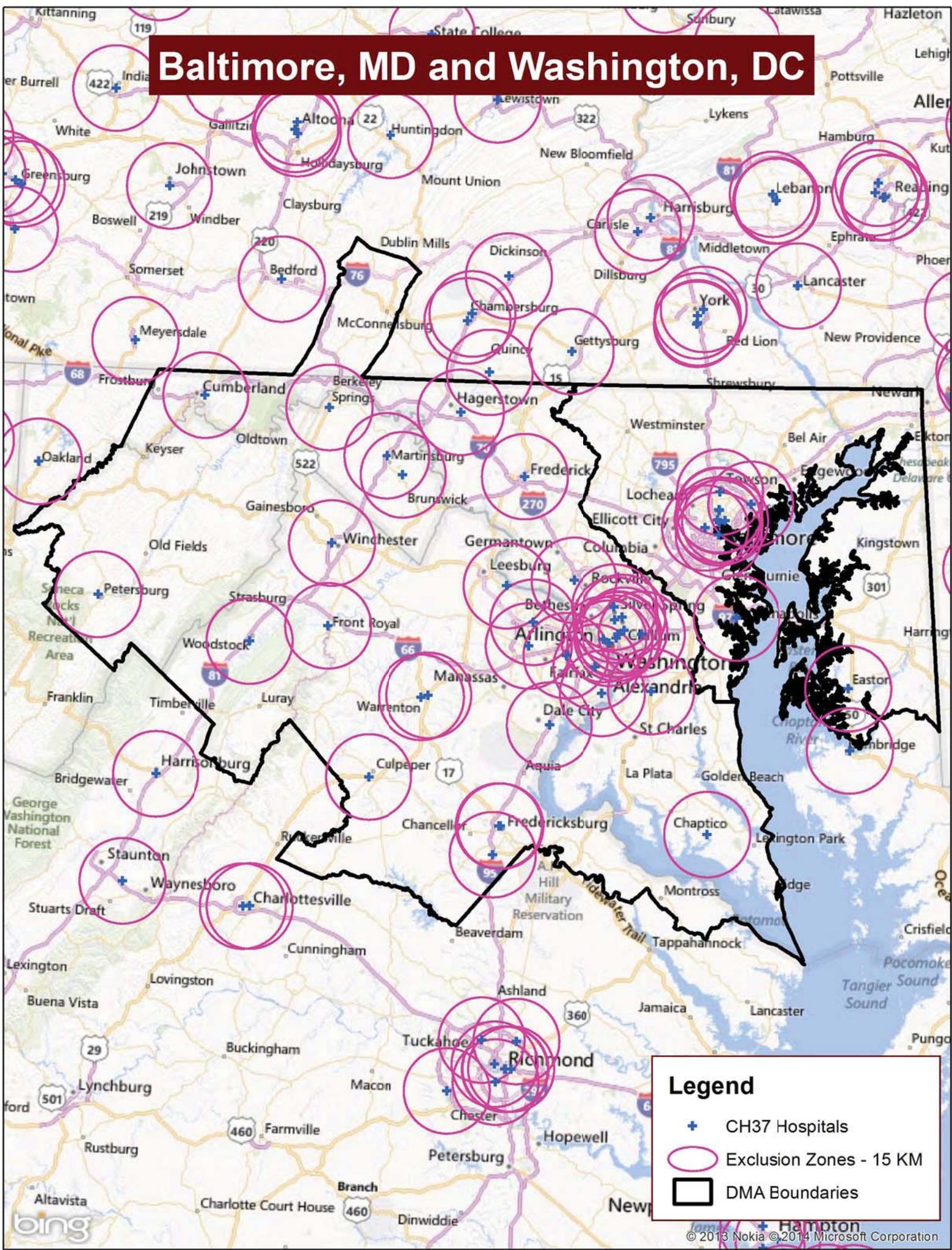
Chris Helzer

Hugh Van Tuyl

Aspasia Paroutsas

Thai Serey

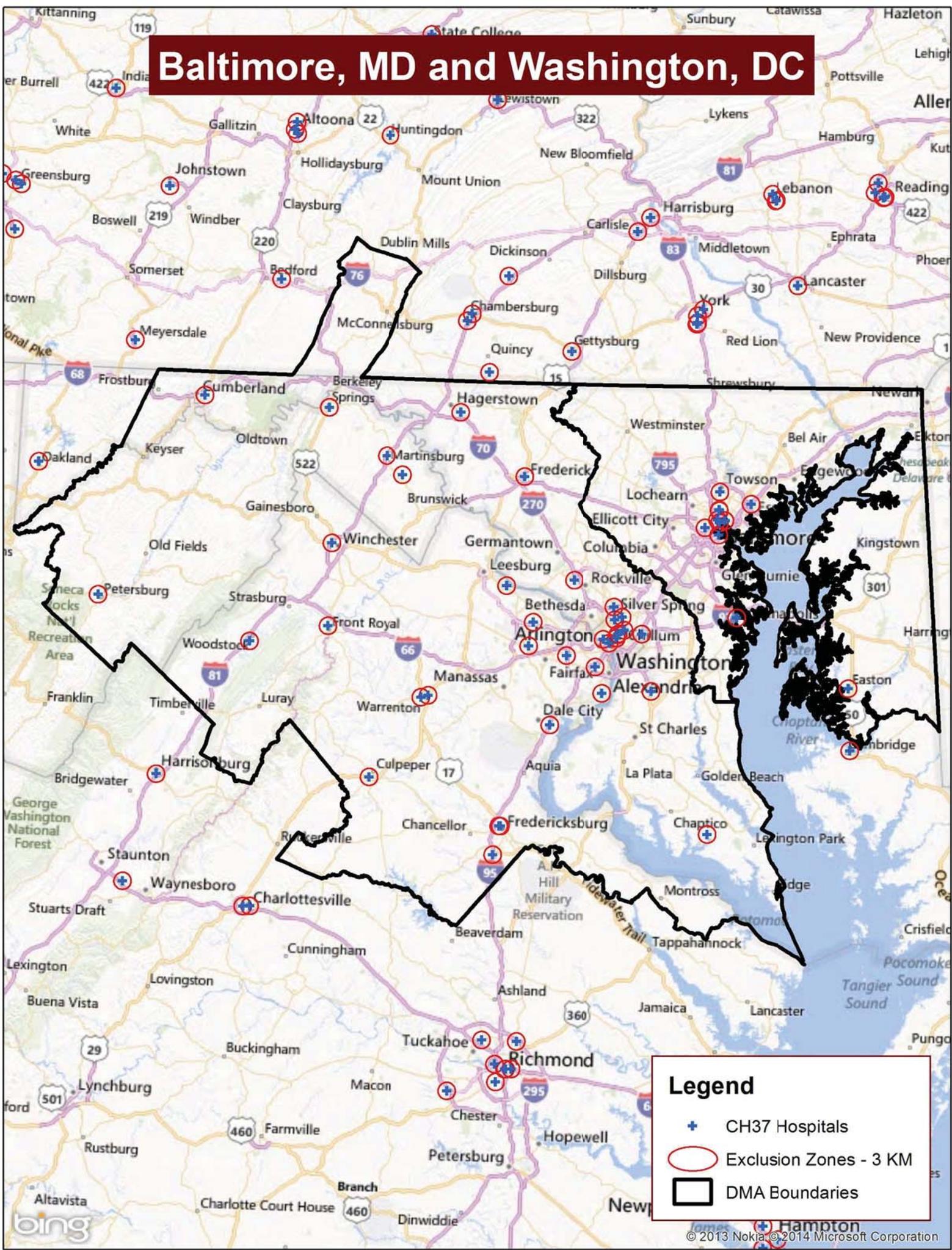
Baltimore, MD and Washington, DC



Legend

- + CH37 Hospitals
- Exclusion Zones - 15 KM
- DMA Boundaries

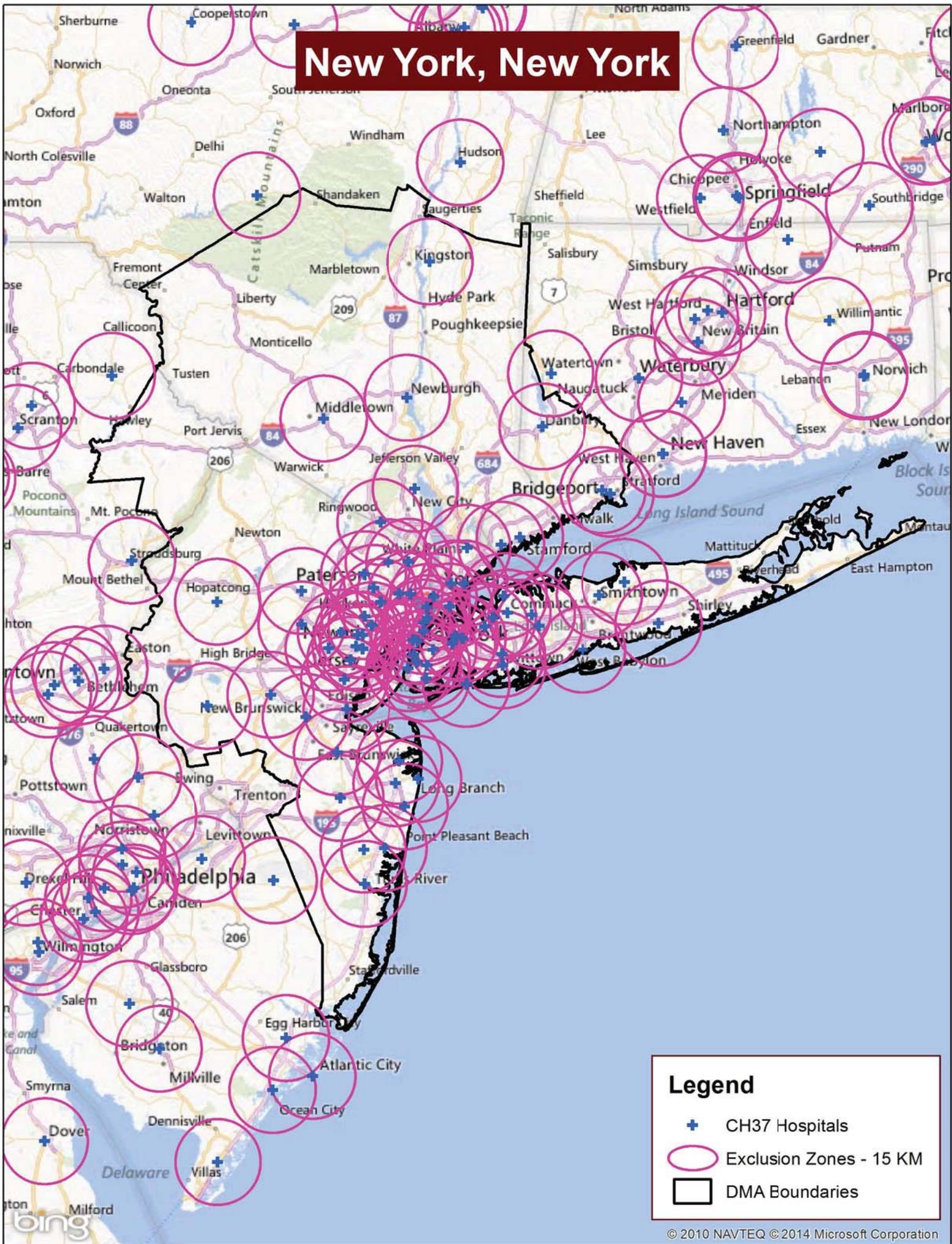
Baltimore, MD and Washington, DC



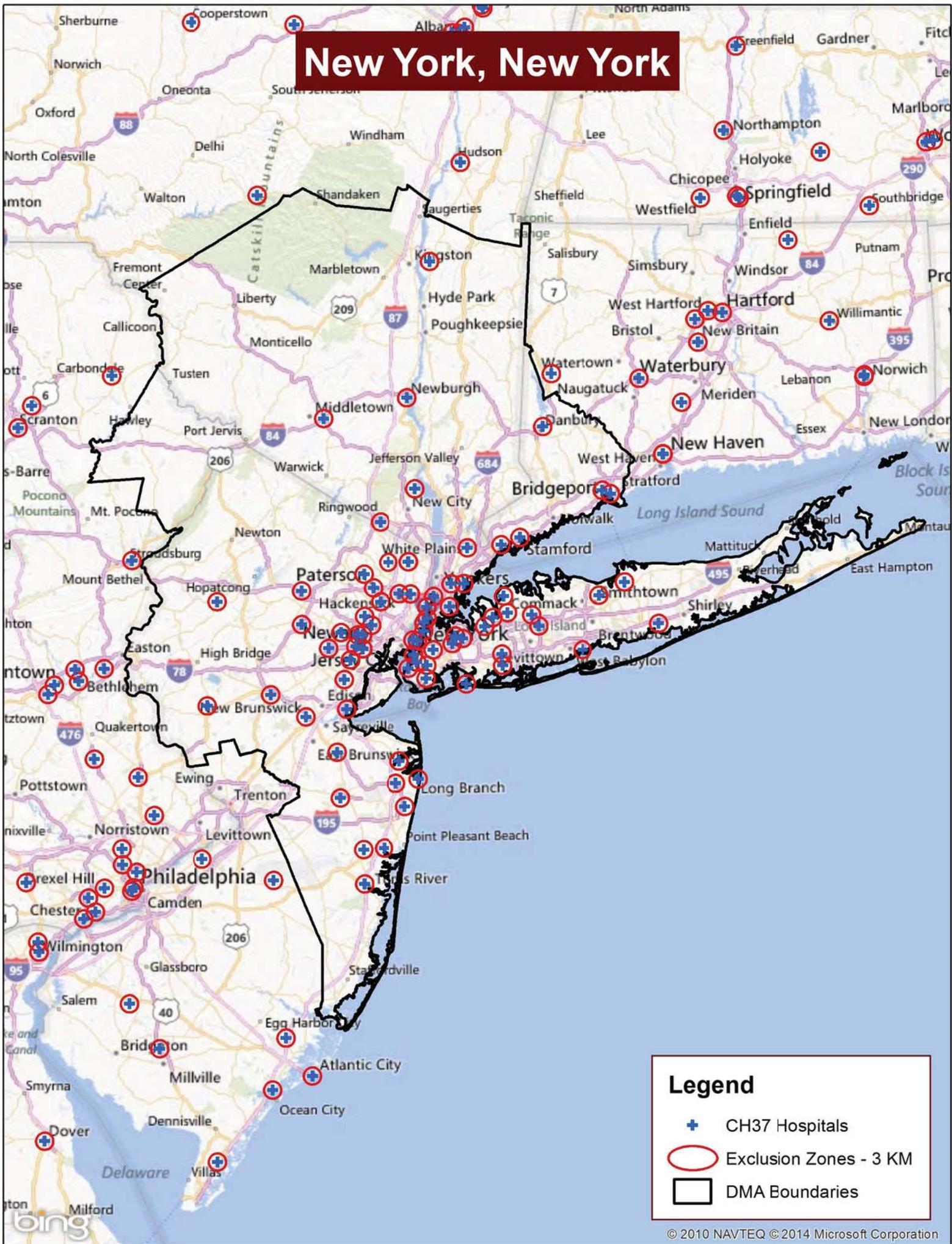
Legend

- + CH37 Hospitals
- Exclusion Zones - 3 KM
- DMA Boundaries

New York, New York



New York, New York



Legend

- + CH37 Hospitals
- Exclusion Zones - 3 KM
- DMA Boundaries