

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

In the Matter of:)
)
Modification of Parts 2 and 15 of the) ET Docket No. 03-201
Commission's Rules for unlicensed devices and)
equipment approval.)

COMMENTS OF THE CONSUMER ELECTRONICS ASSOCIATION

The Consumer Electronics Association (“CEA”) is pleased to submit these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Memorandum Opinion and Order and Further Notice of Proposed Rulemaking in the above-captioned proceeding.¹ CEA is the principal U.S. trade association of the consumer electronics and information technologies industries. Its members design, manufacture, distribute and sell a wide range of consumer products including cordless telephones, video transmitters, wireless speaker and headphone systems, wireless local area networking equipment, and many other Part 15 devices. CEA’s more than 2,100 member companies include the world’s leading consumer electronics manufacturers.

¹ *Modification of Parts 2 and 15 of the Commission’s Rules for unlicensed devices and equipment approval*, ET Docket No. 03-201, Memorandum Opinion and Order and Further Notice of Proposed Rule Making, FCC 07-117 (rel. June 22, 2007) (“*FNPRM*”).

INTRODUCTION

In the FNPRM, the Commission seeks comment on a specific spectrum etiquette for unlicensed transmitters that operate under Sections 15.247 and 15.249 of the rules in the 902-928 MHz (“915 MHz”) band. The 915 MHz band is shared by a variety of users under a hierarchy of spectrum usage rights. The band is allocated for primary use by Industrial, Scientific and Medical (“ISM”) equipment and Federal Government radiolocation systems. Federal Government fixed and mobile services are secondary to both of these primary uses. Location and Monitoring Service (“LMS”) licensees are next in order of priority and may not cause interference to, and must tolerate interference from, all Federal Government uses and ISM devices. Amateur radio operations are secondary to all Federal Government users and LMS licensees and must accept any interference caused by ISM equipment. Finally, unlicensed devices authorized under Part 15 are not entitled to interference protection from, and may not cause harmful interference to, any authorized services in the band. In 1995 the Commission adopted “safe harbor” provisions for spectrum sharing between LMS operations and unlicensed Part 15 devices in the 915 MHz band. Under these provisions, unlicensed devices and amateur services operating pursuant to specific Commission technical rules are deemed not to be causing harmful interference to LMS operations. Moreover, LMS licensees are required to demonstrate through actual field tests that their systems do not cause unacceptable levels of interference to unlicensed devices in this band.

Spread spectrum transmitters are permitted to operate in the 915 MHz, 2.4 GHz, and 5.8 GHz bands under Section 15.247 of the rules. Operation under Section 15.247 is

limited to frequency hopping systems and systems using digital modulation. On the other hand, any type of operation is permitted in these bands under Section 15.249 of the rules, subject to the field strength limits in this section. Many types of devices operate under Section 15.249 including cordless telephones, video transmitters, wireless speaker and headphone systems, and automated utility meter reading equipment.

On October 7, 2004 Cellnet filed a petition for reconsideration of the Report and Order in this proceeding.² Specifically, Cellnet requests reconsideration of the Commission's decision not to adopt a spectrum etiquette for unlicensed devices in the 915 MHz band. Accordingly, in this FNPRM the Commission seeks comment on whether there is a need to require unlicensed transmitters operating in the 915 MHz band under Sections 15.247 and 15.249 of the rules to comply with a spectrum etiquette requirement, and the impact that requiring an etiquette would have on the development and operation of unlicensed 915 MHz devices operating under those rule sections.

DISCUSSION

Unlicensed devices operating in the 915 MHz band under Sections 15.247 and 15.249 of the rules continue to proliferate and provide valuable services on a daily basis to millions of American consumers and businesses. Indeed, as the Commission acknowledges in the M-LMS NPRM, Part 15 devices have made valuable and growing use of the spectrum.³ Unlicensed consumer products, such as cordless telephones, wireless speakers, intercom devices, wireless computer peripherals, baby monitors, and

² Report and Order in ET Docket No. 03-201, 19 FCC Rcd 13539 (rel. July 12, 2004).

³ *Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands*, WT Docket No. 06-49, Notice of Proposed Rule Making, FCC 06-24 (rel. March 7, 2006) ("M-LMS NPRM").

video cameras, have proliferated throughout the 915 MHz band, and many millions of such devices are now in use. These devices continue to grow in number and variety. While 900 MHz cordless telephones may be a diminishing part of the overall market, millions of units still remain in use. Moreover, many 2.4 GHz cordless phones and some 5.8 GHz cordless phones use the 915 MHz band for one direction of transmission. These newer types of cordless phones are still being actively sold in the marketplace.

The hierarchy of spectrum usage rights established by the Commission in this band had led to a proliferation of important public, private, and consumer applications. A change in the existing hierarchy of spectrum usage rights for a spectrum etiquette requirement threatens to upset the careful balance crafted by the Commission in the 915 MHz band. Manufacturers of unlicensed products, and the millions of consumers and businesses that rely on such equipment, are entitled to expect that the products will continue to provide the same conveniences and services as they do today. The Commission's existing regulations with no etiquette requirements, and its resulting design flexibility, has encouraged industry to develop effective sharing and modulation schemes and has ensured the very efficient use of this band. For this reason, the Commission should refrain from imposing a spectrum etiquette requirement in this band.

CEA further notes that there is also no reason to impose spectrum etiquette requirements on the 2.4 GHz and 5.8 GHz bands. The existing unlicensed Part 15 rules have led to the innovative and efficient use of these bands. The sharing and modulation schemes employed in the 2.4 GHz and 5.8 GHz bands have been successfully designed through industry-led standards bodies. Such standards organizations are able to quickly

respond to the needs of industry and are therefore a preferred alternative to government mandated regulations that can inadvertently stifle innovation and product development.

CEA strongly supports the Commission's desire to promote more efficient use of spectrum and to create opportunities for new and additional uses of wireless communications. Wireless platforms are an increasingly popular alternative for business and residential consumers to access services. Further, wireless technologies have the potential to deliver service to rural and underserved areas and to compete with existing and future wired broadband technologies. CEA agrees it is important to encourage the deployment of advanced wireless networks and wireless consumer electronics that can support converged communications services.

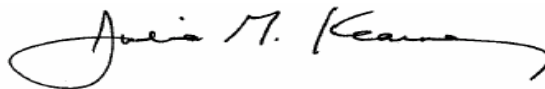
CEA believes that the design flexibility afforded by the existing hierarchy of spectrum usage rights to the unlicensed Part 15 devices operating in the 915 MHz band are essential for continued success, innovation, and efficient spectrum usage by a wide variety of products and applications that are important to consumers and businesses alike.

CONCLUSION

CEA applauds the Commission's desire to promote more efficient use of spectrum and to create opportunities for new and additional uses of wireless communications. CEA has long believed that sound spectrum management is critical to the future success of the communications industry and to maximize benefits to consumers. As a result CEA respectfully urges the Commission to refrain from modifying its existing hierarchy of spectrum usage rights for the 915 MHz band. We believe that the proposed spectrum etiquette requirements will adversely impact the use

of the 915 MHz band by unlicensed Part 15 devices and is therefore not in the public interest. The FCC's current regulations, which do not require a spectrum etiquette, have resulted in extremely efficient and effective use of unlicensed spectrum in the 915 MHz band.

Respectfully submitted,



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