



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 04-2793

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Released: August 30, 2004

OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES MBOA-SIG REQUEST FOR A WAIVER OF PART 15 FOR AN ULTRA-WIDEBAND SYSTEM TO BE A "PERMIT-BUT-DISCLOSE" PROCEEDING FOR *EX PARTE* PURPOSES

ET Docket No. 04-352

Comments Due: September 29, 2004
Reply Comments Due: October 14, 2004

On August 26, 2004, the Multi-band OFDM Alliance Special Interest Group ("MBOA-SIG") filed a request for a waiver of Part 15 of the Commission's rules regarding ultra-wideband ("UWB") systems that employ multi-band orthogonal frequency division multiplexed ("MB-OFDM") modulation techniques. MBOA-SIG requests that the average emission levels from UWB MB-OFDM transmitters, which are sequenced between three frequency bands "according to one of four deterministic and fixed hopping patterns," be measured under normal operating conditions instead of with the band sequencing stopped.

In the UWB 1st Report and Order, ET Docket No. 98-153, the Commission stated that measurements of frequency hopping systems must be performed with the hopping stopped. MBOA-SIG argues that their modulation technique is not frequency hopping and that the Commission's reasons for requiring measurements to be performed with the hopping stopped was to determine that the system met the minimum bandwidth requirement for consideration as a UWB device. MBOA-SIG also argues that the requirement in Section 15.521(d) of the rules to disable output gating was not intended to apply to MB-OFDM systems and that MB-OFDM systems pose no greater threat of harmful interference than pulsed UWB devices.

The FCC's Office of Engineering and Technology (OET) is reviewing the waiver request. OET has concluded that in order to develop a complete record on the complex issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as a "permit-but-disclose" proceeding, in accordance with Section 1.1200(a) of the Commission's rules, and is subject to the requirements under Section 1.1206(b) of the rules.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **September 29, 2004**, and reply comments on or before **October 14, 2004**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See [Electronic Filing of Documents in Rulemaking Proceedings](#), 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket [**ET Docket No. 04-352**]. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The full text of the waiver request is available for inspection and copying during normal business hours in Room CY-A257, 445 12th Street, SW, Washington, D.C., and may also be purchased from the Commission's duplication contractor, Best Copy and Printing, Inc., (800) 378-3160.

By the Chief, Office of Engineering and Technology
Office of Engineering and Technology contact: John A. Reed at (202) 418-2455.