



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 09-11**

**Released: January 7, 2009**

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR  
WAIVER BY L-3 CYTERRA TO ALLOW CERTIFICATION AND USE OF  
ELECTROMAGNETIC MOTION DETECTION AND RANGING (EMMDAR) DEVICES  
OPERATING AT 3100-3500 MHz**

**WP Docket No. 09-2**

**Comment Date: January 27, 2009**

**Reply Date: February 3, 2009**

On February 22, 2008, L-3 CyTerra (CyTerra), a division of L-3 Communications Corporation, filed a request for waiver of Part 90 of the Commission's Rules<sup>1</sup> with respect to the EMMDAR and EMMDAR II devices, which are handheld radars capable of sensing motion through walls.<sup>2</sup> The devices operate in the 3100-3500 MHz band, which is allocated for radiolocation,<sup>3</sup> but CyTerra requests a waiver because the devices' frequency usage is inconsistent with the Commission's technical rules. Specifically, rather than operating on a single frequency like most radars, the EMMDAR and EMMDAR II devices step through two hundred frequencies, spaced two megahertz apart from 3101 MHz to 3499 MHz, one at a time. CyTerra seeks a waiver to permit equipment certification of the devices, and their use by state and local public safety agencies. We seek comment on the waiver request.

CyTerra states that the need for multiple, well-spaced frequencies precludes unlicensed operation in the Part 15 902-928 MHz or 2.4 GHz bands because there are not enough frequencies in those bands, and states that the 5.8 GHz unlicensed band is unworkable due to insufficient propagation and building penetration. CyTerra asserts that because of the devices' low power (130 microwatt average, 31.6 milliwatt peak), low duty cycle (0.41% on any one frequency) and sparse deployment, they are unlikely to cause interference to other users. It also proposes a number of waiver conditions, including limiting eligibility to law enforcement and firefighting agencies, limiting use to actual emergencies involving threats to safety of life (and necessary training for that purpose), limiting the number of units to be sold, prohibiting use

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<sup>1</sup> 47 C.F.R. Part 90.

<sup>2</sup> The EMMDAR and EMMDAR II have identical transmission characteristics. The only difference lies in the circuitry and user interface: the EMMDAR locates one target at a time, and indicates its range but not its direction; the EMDDAR II locates multiple targets, and indicates their ranges and directions. The devices can be used to locate suspects, hostages, or victims through walls or under rubble.

<sup>3</sup> See 47 C.F.R. § 2.106. Specifically, the entire band is allocated to the Federal Government Radiolocation service on a primary basis, and to non-Federal radiolocation on a secondary basis. In addition, the 3100-3300 MHz band is allocated to Federal and non-Federal Earth exploration-satellite and space research on a secondary basis; and the 3300-3500 MHz band is allocated to the amateur service on a secondary basis.

outdoors above ground level or on fixed outdoor infrastructure, and coordinating with the Federal Government for particular sites if necessary.

### Procedural Matters

Comments on the request are due **no later than January 27, 2009**. Reply comments are due **no later than February 3, 2009**. All filings should reference the docket number of this proceeding, WP 09-2.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.<sup>4</sup> Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>5</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>6</sup>

The request is available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554. Copies of the Request also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WP 09-2. Copies of the request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

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/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. 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](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, “get form.” 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. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

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 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.

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<sup>4</sup> *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

<sup>5</sup> *See* Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

<sup>6</sup> *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in Section 1.1206(b). *See* 47 C.F.R. § 1.1206(b).

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

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

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Comments filed in response to this *Public Notice* will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WP 09-2. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to [access@fcc.gov](mailto:access@fcc.gov).

For further information, contact Mr. Tim Maguire of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-2155, [tim.maguire@fcc.gov](mailto:tim.maguire@fcc.gov), or Mr. Zenji Nakazawa of the Public Safety and Homeland Security Bureau, Policy Division, at (202) 418-7949, [zenji.nakazawa@fcc.gov](mailto:zenji.nakazawa@fcc.gov).

Action by the Deputy Chief, Wireless Telecommunications Bureau, and the Deputy Chief, Public Safety and Homeland Security Bureau.

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