



PUBLIC NOTICE

Federal Communications Commission
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DA 20-523

Released: May 18, 2020

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY
IEE SENSING INC. FOR DECLARATORY RULING OR, IN THE ALTERNATIVE, WAIVER
OF PART 95 VEHICULAR RADAR RULES TO PERMIT STAND-ALONE OPERATION OF IN-
CABIN SENSORS IN THE 76-81 GHz BAND**

WT Docket No. 20-144

Comment Date: June 17, 2020

Reply Date: July 2, 2020

On May 6, 2020, IEE Sensing Inc. (IEE Sensing) filed a Request for Declaratory Ruling or, in the Alternative, Waiver of Part 95 of the Commission's Rules (Request).¹ IEE Sensing seeks a Declaratory Ruling to confirm that stand-alone, in-cabin radar sensors² are not prohibited by part 95 of the Commission's Rules.³ IEE Sensing asserts that the part 95 rules do not expressly preclude stand-alone, in-cabin sensor use, but that an entry in the Commission's Knowledge Database (KDB) contains a footnote that engenders uncertainty as to whether IEE Sensing may market such a system.⁴ The company's VitaSense system is designed to detect children left in vehicles and transmit the information to the vehicle's warning systems.⁵

In case the Commission should disagree with its interpretation of the relevant part 95 rules, IEE Sensing, in the alternative, requests a waiver that would allow deployment of the VitaSense system. IEE Sensing argues that a waiver is warranted because its system would save the lives of children left behind in a vehicle, and that its system would do so in a manner that does not undermine any of the policies that

¹ Request for Declaratory Ruling or, in the Alternative, Waiver of Part 95 of the Commission's Rules by IEE Sensing Inc. (filed May 6, 2020) (Request); <https://ecfsapi.fcc.gov/file/1050618949561/IEE%20Sensing%20Petition%20for%20Clarification%20or%20Waiver%205-6-20.pdf>
<https://ecfsapi.fcc.gov/file/1050618949561/15076-FCC-petition-Appendix-A-5-6-20.pdf>

² According to IEE Sensing, its VitaSense system uses low-power radio frequency technology to detect vehicle occupants, including newborns, based on their movements or breathing, distinguishing them from inanimate objects. *Id.* at 1-2. The applicant implies that, in this context, "stand-alone" refers to "whether the in-cabin systems are configured to operate in conjunction with external radars, or on a stand-alone basis." *Id.* at 8.

³ *Id.* at 1.

⁴ *Id.* at 2-3, *citing* Knowledge Data Base, Equipment Authorization Guidance For 76-81 GHz Radar Devices, 653005 D01 76-81 GHz Radars v01r01 (April 12, 2019). <https://apps.fcc.gov/oetcf/kdb/index.cfm>

⁵ *Id.* at 1.

underlie the part 95 rules for 76-81 GHz vehicular radars.⁶ It asserts, in particular, that a waiver would cause no risk of harmful intra-system interference, because of the way in-cabin sensors can be deployed, and no risk of harmful health effects.⁷

We seek comment on all aspects of the IEE Sensing Request.

Filing Requirements. Interested parties may file comments in response to this *Public Notice* on or before the date indicated on the first page of this document.⁸ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.⁹
- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.
- People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Ex Parte Rules. The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹⁰ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be

⁶ *Id.* at 10.

⁷ *Id.* at 11.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121-01 (1998).

⁹ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

¹⁰ 47 CFR §§ 1.1200 *et seq.*

found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Mr. Rodney Conway of the Wireless Telecommunications Bureau, Mobility Division, at Rodney.Conway@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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