

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
“Changes Requested in Retail Point of)
Sales of All over the counter 2 way voice)
or data equipment.”)
) RM-10641
“Proposed Requirements for Ownership)
and License Tagging for:)
Part’s 5 - 15 - 18 - 74 - 80 - 90 - 95 – 97:”)
)
)
To: The Commission)

Via the ECFS

OPPOSITION TO PETITION(S) FOR RULEMAKING

IEEE 802.18, the Radio Regulatory Technical Advisory Group (the “802.18 RR-TAG”) within IEEE 802¹ hereby offers its Opposition to the Petition(s) for Rulemaking in the above-captioned Proceeding that was (were) filed on or about November 26, 2002 by Mr. Dale E. Reich (the “Reich Petition(s)”).²

The members of the 802.18 RR-TAG that participate in the IEEE 802 standards process are interested parties in this proceeding. IEEE 802, as a leading consensus-based industry standards body, produces IEEE 802 standards for wireless networking devices, including wireless local area networks (“WLANs”), wireless personal area networks (“WPANs”), and wireless metropolitan area networks (“Wireless MANs”).

¹ The IEEE Local and Metropolitan Area Networks Standards Committee (“IEEE 802” or the “LMSC”)

² This document represents the views of the IEEE 802.18 RR-TAG. It does not necessarily represent the views of the IEEE as a whole or the IEEE Standards Association as a whole.

While unable to locate the publication of a Public Notice in the Federal Register, we are given to understand that the deadline for filing oppositions to the Reich Petition(s) is February 28, 2003. Therefore we believe our Opposition to the Reich Petition(s) to be timely filed.

DISCUSSION

1. It appears from the document(s) posted to the Commission's Electronic Comment Filing System that Mr. Dale E. Reich filed two separate documents, each characterized as a "*Petition for Rule Change*," which were received by the Commission on November 28, 2002, and that the Commission has elected to combine them into a single Proceeding as RM-10641.
2. The 802.18 RR-TAG believes that the Reich Petition(s) are totally without merit, and would impose unnecessary, unwarranted, and costly burdens on both the Commission and the retailers and manufacturers of the types of communications equipment elaborated in the Petition(s).
3. We also believe that the requested "relief" would represent an unwarranted invasion of the privacy of the purchasers of such equipment for no legitimate regulatory purpose.
4. Furthermore, we believe that the Reich Petition(s) fly in the face of Federal preemption of local and state regulation of radio communications devices, which the Commission reserves to itself the right to regulate. In light of the fact of Federal preemption of state and local regulation of such radio communications devices, local police agencies have no authority or jurisdiction in such matters. Therefore, the proposed requirements to maintain and provide such information to local and/or state law enforcement officials are, in our view, totally inappropriate and should be rejected.
5. Finally, there is no coherent elaboration in the Petition of any problem, either actual or perceived, that the remedies sought in the Petition(s) might be seen to purport to address.

SUMMARY AND CONCLUSION

6. The 802.18 RR-TAG again reiterates its strong opposition to both of the Reich Petitions as well as its belief that they, individually and collectively, are totally without merit.
7. For these, and the other reasons elaborated above, we respectfully request that the Commission expeditiously DENY and DISMISS both of the subject Petitions in this Proceeding without further consideration or action.

Respectfully submitted,

/s/

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