

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

In the Matter of)	
)	ET Docket No. 04-186
Unlicensed Operation in the TV Broadcast Bands)	
)	
Additional Spectrum for Unlicensed Devices)	ET Docket No. 02-380
Below 900 MHz and in the 3 GHz Band)	
)	

MOTION FOR EXTENSION OF TIME

Pursuant to 47 C.F.R. § 1.46, Harris Corporation (“Harris”) respectfully requests that the Federal Communications Commission (the "Commission") extend the comment and reply comment filing deadlines in the above-captioned Notice of Proposed Rulemaking ("NPRM") to provide the IEEE 802.18 Radio Regulatory Technical Advisory Group (the “802.18 Advisory Group”) the opportunity to conduct technical studies and submit to the Commission its findings with regard to the sharing and interference issues that arise when sharing the broadcast spectrum with unlicensed devices. Harris requests that the comment deadline be extended by at least 180 days beyond the current deadlines, or in the alternative, consider extending the comment period until January 28th, 2005, which provides the 802.18 Advisory Group¹ one week from its third meeting period to finalize its analysis.²

The NPRM currently requires comments to be submitted by September 1, 2004 and reply comments by October 1, 2004, respectively. As discussed below, the necessary

¹ The IEEE 802.18 working group third meeting is scheduled for January 21, 2005. By extending the comment deadline to January 28, 2005, the Commission provides IEEE 802.18 one week from the third meeting to finalize its position in writing and submit comments.

² Harris is a participant in the 802.18 Advisory Group.

technical analysis will not be completed by those dates. Extending the comment and reply comment deadlines in this proceeding will ensure that the Commission has a comprehensive and complete record, with input from all interested stakeholders, on which to base its final rules.

Harris provides radio systems, both licensed and unlicensed, for a variety of markets including 802.11, 802.15, 802.16, analog and digital television, and software-defined radio. Our customers include cellular service providers, wireless ISPs, broadcasters, and agencies engaged in public safety. Harris is in the unique position of understanding the issues presented in the NPRM from the perspectives of several key stakeholders: the broadcasting industry, the public safety industry, and the wireless industry. As such, Harris supports the Commission's efforts to provide for more efficient and effective use of the television spectrum and supports efforts that encourage the development of new and innovative services for businesses and consumers. However, to proceed with a rulemaking without input from the 802.18 Advisory Group potentially jeopardizes the digital television transition, the needs of the public safety industry and the rollout of unlicensed devices in the vacant television bands.

I. IEEE 802.18 Working Group Will Not Have Completed Its Analysis by September 1, 2004

Participants from the television broadcast industry, the public safety community, the consumer electronics industry and the wireless industry have been working cooperatively together in the 802.18 Advisory Group. The 802.18 Advisory Group is discussing potential solutions to the sharing/non-interference issues that are of great significance to the Commission in this NPRM, as well as the individual stakeholders.

Indeed, one of the 802.18 Advisory Group participants recently submitted an interference avoidance proposal that members are currently studying. The 802.18 Advisory Group will be meeting September 12-17, November 14-19 and January 16-21 to discuss this and other proposals. This cooperative effort, when completed, will provide the Commission with industry-wide recommendations on which the Commission can base its final rules. Without such input, the Commission will be basing its decision without valuable insight from the 802.18 Advisory Group, a group that represents all interested stakeholders.

II. The Commission's Public Interest Objective Is to Ensure a Comprehensive Record is Developed.

The Commission's rules state, "It is the policy of the Commission that extensions of time shall not be routinely granted."³ While supportive of the Commission's desire to act on these issues expeditiously, Harris requests that the Commission weigh the significant benefits of extending the comment deadline and analyzing data submitted by all interested parties against the relatively minor cost of delaying the proceeding by a finite period of time (either 180 days or until January 28, 2005). Harris believes that the Commission will find that the public interest benefits in ensuring a comprehensive record is developed, prior to adopting rules that will impact the television industry, the public safety industry and the unlicensed industry, surpasses any potential disadvantages of extending the deadline.

Therefore, given the importance of industry input as well as the public interest benefits of ensuring a comprehensive record is developed, Harris strongly urges the Commission to grant this Motion.

³ 47 C.F.R. § 1.46(a).

Respectfully submitted,

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