

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

In the Matter of

WT Docket No. 06-49

Amendment of the Commission's Part 90
Rules in the 904-909.75 and 919.75-928 MHz
Bands

Via the ECFS

COMMENTS OF IEEE 802.18

IEEE 802.18, the Radio Regulatory Technical Advisory Group (“the RR-TAG”) within IEEE 802¹ hereby submits its Comments in the above-captioned Proceeding. This document was prepared and approved unanimously by the RR-TAG, and also was reviewed by the IEEE 802 Executive Committee.²

The members of the RR-TAG that participate in the IEEE 802 standards process are interested parties in this proceeding. We appreciate the opportunity to provide these comments to the Commission.

INTRODUCTION

1. On March 1, 2006, the Commission began a reexamination of the rules governing the licensing and use of the M-LMS frequency bands 904–909.75 and 919.75-928 MHz. As part of that reexamination the Commission is seeking to determine if changes can be made to the M-LMS rules while maintaining the accessibility of the band to unlicensed devices authorized under

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

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

Part 15. That accessibility has led to a proliferation of important public, private, and consumer applications and IEEE 802.18 believes that the effect of the proposed changes would severely impact these unlicensed services.

IEEE 802.18 OPPOSES CHANGES TO THE M-LMS RULES

2. We are not convinced of the added value of establishing a PSTN connected voice service in this band. The resulting change in M-LMS duty cycle will change the entire balance of spectrum usage between unlicensed and licensed service in an unacceptable way.
3. Since the current rules were established consumers and companies have invested in products that are authorized under Part 15 of the Commission's rules and which operate under the premise of low power, short range communications. Consumers that have purchased unlicensed products such as cordless phones and wireless computer peripherals may have those products rendered useless by interference from M-LMS under the requested changes to the rules. Under the current rules the spectrum is effectively shared.
4. Some companies have invested significant time and money developing systems utilizing IEEE 802.15.4 and other unlicensed protocols based on the current rules. These manufacturers and the users of their products would be at risk of having their systems rendered ineffective if M-LMS is allowed to operate under the requested changes to the rules.
5. In its *MEMORANDUM OPINION AND ORDER AND FURTHER NOTICE OF PROPOSED RULE MAKING* in PR Docket No. 93-61, released September 16, 1997, the Commission enacted a "Safe Harbor" provision for Part 15 devices in this band. That safe harbor provision as provided in C.F.R. § 90.361 should be maintained.

CONCLUSION

We believe that consumers will be best served by retaining the regulatory certainty of the current Part 15 and Part 90 rules. The Part 15 and Part 90 devices were developed in part due to the stability of the current rules. Continued stability of the current rules and the "safe harbor" provision will help create further devices and applications.

Respectfully submitted,

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/s/

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