



GE MDS

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January 29, 2016

American Certification Body, Inc.
6731 Whittier Ave., C110
McLean, VA 22101

Subject: GE MDS SDM9 frequency stability per 90.645(f)

Applicant: GE MDS LLC
Product: SDM9 digital transceiver
FCC ID: E5MDS-SDM9

Dear Sir/Madam,

GE MDS currently has a product ("SDM9") under review for Part 90 including operation at 935-940MHz. Per §90.213 this frequency range specifies a fixed station frequency stability requirement of 0.1ppm. FCC rules provide exceptions to this requirement under various conditions including §90.645(f):

Where the channel(s) is assigned to an SMRS licensee or exclusively to a single licensee, or where all users of a system agree, more than a single emission may be utilized within the authorized bandwidth. In such cases, the frequency stability requirements of 90.213 shall not apply, but out-of-band emission limits of §90.209 shall be met.

GE MDS asserts that pursuant to FCC Part 90.645(f), the frequency stability requirements of §90.213 are precluded, and that our measured frequency stability of 0.4ppm ensures that the out-of-band emission limits of §90.209 are met.

As evidence, GE MDS cites an email confirmation from Scot Stone representing the FCC (Scott.Stone@fcc.gov) dated April 15, 2014 agreeing with an assertion from our attorney (Keller & Heckman) that the provisions of 90.645(f) apply without regard to whether multiple emissions are utilized.

See Attachment A, included with this letter for the full text of the correspondence. Highlighting was added for clarity.

If you have any queries, please do not hesitate to contact me at 585 242-8440.

Yours truly,

Signed:  Name: Dennis McCarthy

Dennis McCarthy
Lead Technical Regulatory Standards Engineer
GE MDS LLC
175 Science Parkway
Rochester NY 14620
Dennis.McCarthy2@GE.com

ATTACHMENT A

From: Scot Stone <Scot.Stone@fcc.gov>
Sent: Tuesday, April 15, 2014 2:05 PM
To: Kunkle, Gregory
Subject: RE: Frequency Stability

I agree that "such cases" in 90.645(f) just means "where the channels(s) is assigned to an SMRS licensee or exclusively to a single licensee, or where all users of a system agree" without regard to whether multiple emissions are utilized, just as in 90.733(c) it means "operations requiring less than 4 kHz bandwidth" without regard to whether multiple emissions are utilized. See FCC 82-338 paras. 150-60, which adopted 90.645(f) for 800 MHz (it was expanded to 900 MHz in FCC 86-333).

From: Kunkle, Gregory [mailto:kunkle@khlaw.com]
Sent: Friday, April 04, 2014 5:20 PM
To: Scot Stone
Subject: RE: Frequency Stability

Scot,

This follows up on the email below regarding the 896-901/935-940 MHz band frequency stability requirements. After looking into this further, I don't believe a waiver is required. Since the language in the rules isn't completely clear, I wanted to confirm that you agree.

Section 90.645(f) states "where the channels(s) is assigned to an SMRS licensee or exclusively to a single licensee, or where all users of a system agree, more than a single emission may be utilized within the authorized bandwidth. In such cases, the frequency stability requirements of 90.213 shall not apply, but out-of-band emission limits of 90.209 shall be met."

My previous email stated that 15 years ago we requested, and received, a waiver from the frequency stability requirements for fixed devices in the 220-222 MHz band.

While researching this further, I realized that's not quite right. We originally submitted a waiver request, then later sent a note to Roger stating that we thought the waiver was not required because of the language in Section 90.733(c). We then sent a letter to the Bureau requesting clarification that a waiver was not required and that clarification was granted. See attached.

Although the clarification applies to the 220-222 MHz band, the operative language in Section 90.733(c) is identical to the language in Section 90.645(f) ("In such cases, the frequency stability requirements of 90.213 shall not apply, but out-of-band emission limits of 90.209 shall be met.").

Although it isn't clear in 90.645 whether "in such cases" refers only to cases in which multiple emissions are used, it does seem that because the language is identical to 90.733(c) the same interpretation should apply to both sections. Thus, where a channel is assigned to an SMRS licensee or exclusively to a single licensee, or where all users of a system agree, alternate frequency stabilities may be used as long as out-of-band emissions are met (adjacent users are protected in either case because the mask must still be met).

Let me know if you disagree.

I can call if you would rather discuss.

Thanks,

Greg

Gregory E. Kunkle

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Visit our website at www.khlaw.com for additional information.

From: Scot Stone [<mailto:Scot.Stone@fcc.gov>]

Sent: Wednesday, March 05, 2014 1:04 PM

To: Kunkle, Gregory

Subject: RE: Frequency Stability

Yes, it should be filed with WTB. You can direct it to Roger.

It doesn't strike me either way yet.

From: Kunkle, Gregory [<mailto:kunkle@khlaw.com>]

Sent: Wednesday, March 05, 2014 12:16 PM

To: Scot Stone

Subject: Frequency Stability

Scot,

I have another Part 90 equipment issue for you,

About 15 years ago, on behalf of a client, we requested and received, a waiver from the frequency stability requirements in Part 90 for fixed devices in the 220-222 MHz band. A copy of the request is attached.

That client's successor-in-interest has asked for a similar blanket waiver for the 896-901/935-940 MHz Part 90 band to use stability of .5 ppm instead of .1 ppm for fixed devices. The equipment complies with the mask, similar to the equipment in the attached showing.

I checked with OET and they suggested this should be filed with WTB. Can you confirm? Should we address it to Roger Noel?

Also, please let me know if this strikes you as significantly different from the previous 220 MHz request such that the Commission would be disinclined to consider it. It seems pretty analogous to me.

Please feel free to call if you would rather discuss.

Thanks,
Greg

Gregory E. Kunkle

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