



PUBLIC NOTICE

Federal Communications Commission
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**OFFICE OF ENGINEERING AND TECHNOLOGY SEEKS COMMENT ON PETITION FOR
RULEMAKING BY STARKEY LABORATORIES, INC. TO AMEND THE MINIMUM
BANDWIDTH REQUIREMENTS IN SECTION 15.247(a)(2) FOR THE 902-928 MHz BAND**

RM-11523

Comments Date: May 5, 2009

Reply Comments Date: May 20, 2009

Starkey Laboratories, Inc., (“Starkey Laboratories”) has submitted a petition for rulemaking (“Petition”) requesting amendment of Section 15.247(a)(2)’s minimum 6 dB-bandwidth requirements.¹ Specifically, Starkey Laboratories requests amendment of the Commission’s rules to reduce the 6 dB-bandwidth requirements under Section 15.247(a)(2) for unlicensed operation of systems using digital modulation techniques in the 902-928 MHz (915 MHz) band.² Starkey Laboratories states that the purpose of this amendment is to allow Starkey Laboratories and others to operate low power radio frequency (RF) communication devices using a minimum amount of power and bandwidth. Starkey Laboratories also states that its proposed amendment would facilitate audio enhancement capabilities for the hearing impaired via the use of digital audio equipped assistive listening devices (“ALDs”).

Section 15.247(a)(2) permits operation of systems using digital modulation techniques within the 915 MHz band with a minimum 6 dB bandwidth of 500 kilohertz. Starkey Laboratories requests that Section 15.247(a)(2) be amended to allow transmitters to operate in the 915 MHz band with a narrower 6 dB bandwidth of 100 kilohertz, while maintaining the 8 dBm/3 kHz power spectral density limit specified in Section 15.247(e) of the Commission’s rules. Starkey Laboratories states that this amendment would make better and more efficient use of bandwidth, and would not cause any harmful interference. It also states that its proposed revisions to the rules would allow operation of ALDs to send digital audio information to hearing aid wearers for the purpose of improving the signal-to-noise ratio of audio information presented in a classroom, an auditorium, an airport terminal, and similar public venues. In addition, this amendment would enable the operation of wireless devices for transmitting public service announcements and alarms, and of hearing assistance devices that will enhance hearing disabled patients’ quality of life. Although Starkey

¹ See Starkey Laboratories, Inc., Petition for Rulemaking, filed April 11, 2008.

² The 902-928 MHz spectrum is occupied by a number of Federal, non-Federal, licensed, and unlicensed spectrum users, including Part 15 operations and multilateration Location and Monitoring Service (M-LMS) licensees. Because of the shared uses of this band, the requested waiver may impact both Part 15 operations, as well as non-Part 15 uses and services such as M-LMS. We note that the Commission is currently reviewing the rules governing M-LMS. See Amendment of the Commission’s Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands, WT Docket No. 06-49, *Notice of Proposed Rulemaking*, 21 FCC Rcd 2809 (2006).

Laboratories acknowledges that one megahertz centered at 217 megahertz has been allocated for use by hearing assistance devices, it states that this allocation is limited to one-way communication and is allocated in 5-50 kilohertz channels, which it claims makes control, wireless programming, and bi-directional communication impossible and is insufficient for transporting digital high fidelity audio information. The Commission's Office of Engineering and Technology seeks comment on the Petition.

Starkey Laboratories also has filed a request for waiver of Part 15 of the Commission's rules to permit a reduction in the 6 dB-bandwidth requirements under Section 15.247(a)(2) for unlicensed operation of systems using digital modulation techniques in the 915 MHz band on which the Commission is seeking comment separately.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **May 5, 2009**, and reply comments on or before **May 20, 2009**. All filings should refer to **RM-11523**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System ("ECFS"), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS at <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal at <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by First-Class or Overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service First-Class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties

should also send a copy of their filings to Patrick Forster, Office of Engineering and Technology, Federal Communications Commission, Room 7-A266, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to patrick.forster@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in **RM-11523** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

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).

Office of Engineering and Technology contact: Patrick Forster at (202) 418-7061.

By the Chief, Office of Engineering and Technology.

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