Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC  20554

In the Matter of )
Expanding the Economic and Innovation )  GN Docket No. 12-268
Opportunities of Spectrum Through Incentive )
Auctions )

To: The Commission

Opposition of the WMTS Coalition to Petitions for Reconsideration

The WMTS Coalition (“Coalition”) hereby opposes the Petitions for Reconsideration of the Commission’s Report and Order (“Order”) in the above-captioned proceeding\(^1\) that were filed by the Radio Television Digital News Association (“RTDNA”) and by Sennheiser Electronic Corporation (“Sennheiser”).\(^2\) Rather than adopt these parties’ suggestion that the Commission provide for expanded use of Channel 37 by unlicensed devices or wireless microphones, the Commission should abandon its decision to allow sharing of this band until a full analysis of the potential for interference to incumbent users has been completed.


\(^2\) The WMTS Coalition is a coalition consisting of the American Society for Healthcare Engineering of the American Hospital Association (“ASHE”) (a personal membership group of the American Hospital Association (“AHA”)) representing hospitals and other users of WMTS in the delivery of healthcare services; the Association for the Advancement of Medical Instrumentation (“AAMI”), representing manufacturers and others interested in the development of medical devices, generally; and several of the principal manufacturers of wireless medical telemetry devices. This opposition represents the general consensus positions of the Coalition; however, individual members of the Coalition may file their own oppositions or petitions raising other issues.
Since 2000, use of TV Channel 37 (608-614 MHz) has been authorized exclusively for the Radio Astronomy Service (“RAS”) and the Wireless Medical Telemetry Service (“WMTS”). WMTS is used in monitoring patients in healthcare facilities for the early detection of life-threatening physiologic developments. In creating the WMTS, the Commission stated that its objectives were to allow WMTS “to operate on an interference-protected basis” and to “improve the reliability of this vital service.” Since then, the Commission has consistently acted to protect WMTS and RAS by prohibiting operation of unlicensed devices on Channel 37.

In the Incentive Auction Order, however, the Commission reversed course and decided that unlicensed devices will, for the first time, be authorized to operate on Channel 37 as part of the 600 MHz band plan. Significantly, the Commission made this decision before even undertaking, much less completing, a technical analysis to determine whether sharing of Channel 37 by unlicensed devices can be accomplished without interference to safety-critical WMTS operations.

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5 The Coalition has strongly opposed this decision in its own petition for reconsideration of the Incentive Auction Order. Petition for Reconsideration of the WMTS Coalition, GN Docket No. 12-268, September 15, 2014. As the Coalition demonstrated in its petition for reconsideration, the Commission must first engage in a balanced and fair investigation that does not prejudge the outcome to determine whether sharing of Channel 37 by unlicensed devices can be accomplished without interference to WMTS users. Only then, on the basis of the record so developed, can it determine whether such sharing should be permitted.
To the extent that RTDNA and Sennheiser urge greater access to Channel 37 for either unlicensed TV White Space devices or wireless microphones, the Coalition opposes these two petitions for reconsideration. Neither petitioner takes into account the need to protect patient safety by avoiding interference to WMTS deployments. Nor do these two petitions address the technical challenges that must be overcome to share Channel 37 without any possibility of causing interference to WMTS by other users.

Although both petitioners appear to be representing the interest of wireless microphone users, they urge different results for the sharing of Channel 37. The RTDNA petition, for example, claims that users of wireless microphones and other low power broadcast auxiliary station (“LPAS”) devices need exclusive spectrum to be free from interference and thus cannot share with unlicensed TV white space devices as proposed by the Commission.\(^6\) RTDNA then suggests that the best way to provide for such exclusive spectrum is to only allow unlicensed TV white space devices to operate in Channel 37.\(^7\) Without disparaging the need of many wireless microphone users to operate free from interference, it cannot be denied that patient safety provides the far more compelling need to be free from interference through exclusive spectrum. RTDNA’s proposal to allow unlicensed devices to operate in Channel 37 while giving greater protection to wireless microphone suggests a misguided sense of priorities.

Ironically, the one manufacturer of wireless microphones that has petitioned for reconsideration, Sennheiser, proposes that wireless microphones should share Channel 37 with WMTS; but it urges the Commission to reconsider its decision to allow unlicensed TV white


\(^7\) Id.
space devices to operate in the same band.\textsuperscript{8} Although the WMTS Coalition appreciates Sennheiser’s acknowledgement that wireless microphones would need to protect WMTS and RAS,\textsuperscript{9} Sennheiser provides no analysis to demonstrate that any new users can share Channel 37 without causing interference to WMTS operations and offers no detail on how interference to WMTS and RAS would be avoided.

The WMTS Coalition continues to believe that the Commission should abandon its decision to permit unlicensed operations in Channel 37. Contrary to these two petitioners, until after the record has been developed as to whether and how such sharing could be accomplished without causing any harmful interference to incumbent licensees, any decision to authorize sharing is unsupportable.

Respectfully submitted,

THE WMTS COALITION

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November 12, 2014


\textsuperscript{9} Id. at n.17.