

GEHMAN LAW PLLC

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April 29, 2011

Via email and U.S. Mail

Mr. James Burtle, Chief  
Experimental Licensing Branch  
Electromagnetic Compatibility Division  
Office of Engineering and Technology  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: Experimental Authorization WF2XNH for 410-430 MHz,  
Held by Sensus Spectrum LLC  
Application 0010-EX-ML-2011  
Letter of Christopher D. Imlay, ARRL, dated April 28, 2011

Dear Mr. Burtle:

The undersigned represents Sensus Spectrum LLC. On behalf of Sensus, I would like to respond to the letter of Christopher D. Imlay, General Counsel, ARRL, dated April 28, 2011 (the "Letter"). The Letter requests that Experimental Authorization WF2XNH be rescinded and the Modification Application 0010-EX-ML-2011 be denied. The Letter should be disregarded because it fails to demonstrate actual harm or a violation of FCC rules.

The Letter does not claim that the actions of the Experimental Licensing Branch (the "Branch") or the Office of Engineering and Technology exceeded delegated authority or in any other way violated applicable law or FCC rules. Indeed, the Branch's actions in granting Sensus' applications are entirely consistent with law and FCC rules. Instead, the Letter essentially attacks existing Commission policy and rules by claiming that the grant, which is consistent with FCC rules, "is fundamentally incompatible with ongoing licensed Amateur Radio operation." Although it nominally attacks grant of Sensus' experimental license, the Letter actually is a petition for rule making and as such must be disregarded.

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cc: Julius Knapp  
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Mr. James Burtle, Chief  
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Page 2 of 2

In improperly asserting a right to coordination and interference protection, the Letter omits to mention that “[t]he 420-430 MHz segment is allocated to the amateur service in the United States on a secondary basis.” 47 C.F.R. 97.303.

The Letter speculates and fails to demonstrate any actual harm. As such the Letter fails to provide a basis for its drastic requested remedy of license rescission. The Letter claims that “[o]peration as specified will inevitably cause harmful interference” to amateur radio operations. However, Sensus has held the identical or substantially similar experimental authorization since 2009, under call sign WE9XCR. WE9XCR authorized the power levels and service areas complained of in the Letter. The Letter fails to show that any actual harm has come from Sensus’ ongoing research and development activities conducted under this authorization.


The Letter makes other misstatements. For example, the Letter falsely claims that because no call sign would be emitted, any “interference victims will be incapable of identifying or reporting the source of the interference.” The Letter of course disregards the search capability of the website of the Office of Engineering and Technology where, armed with coordinates and frequency, anyone can identify nearby licensees.

The Letter makes the curious assertion that operation at 50 watts in the 410-430 MHz range is “exceptionally high power.” To the contrary, Sensus’ operation at 30-50 watts is low power compared to other experimental operations authorized in this band. WE2XML authorizes 153 watts ERP in this band, to name just one example of many that could be cited.

Finally, I would like to note Special Condition (3) of WF2XNH, which calls for non-interference by Sensus. As a Commission licensee occasionally subject to harmful interference itself, Sensus is aware of the importance of this condition and intends to abide by it.

In conclusion, the Letter has not raised a cognizable claim and should be disregarded.

Very truly yours,



Julian P. Gehman

cc: Julius Knapp  
Christopher Imlay  
Stanton Woodcock