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April 3, 2001

EDWARD W. HUMMERS, JR.
202-457-7145

Internet Address:
ehummers@hklaw.com

Mr. Jim Burtle, Chief
Experimental Licensing Branch
Electromagnetic Compatibility Division
Office of Engineering and Technology
Federal Communications Commission
Washington, DC 20554

Re: Experimental Radio Service
Rochester, NY
File No. 0324-EX-PL-1999
File No. 0155-EX-RR-2000

Dear Mr. Burtle:

We have recently taken over the representation of Harris Corporation and inherited what appears to be a complicated mess with regard to the above referenced licenses to renew and modify two experimental stations. We seek your concurrence in the manner in which we are now attempting to resolve all outstanding issues to permit grant of the requested licenses. As best we can determine, the following is the history of the two stations.

Experimental Station WA2XDO (File No. 6264-EX-AK-1998) was licensed to operate on frequencies 112.45 MHz, 136.125 MHz, 136.15 MHz, 136.775 MHz and 136.8 MHz from a site in Fishers (Ontario), NY. Attachment 1, The license had an expiration date of October 1, 2000. On December 28, 1998, Fletcher, Heald & Hildreth ("FH&H") filed an application to move the station to Rochester, NY (File No. 0001-EX-ML-1999). There were apparently communications between your office and FH&H with regard to FAA clearance. On September 29, 2000, Harris filed directly with the FCC a renewal application (File No. 0155-EX-RR-2000). By letter of October 19, 2000, you dismissed both applications for lack of FAA frequency coordination. Attachment 2. On November 16, 2000 FH&H file a request for reconsideration. Attachment 3. The

April 3, 2001

Page 2

problem seems to be that FH&H was relying upon an FAA determination that the proposed tower would not be an obstruction to air navigation while you were concerned with clearance of the frequencies. We believe the application remains pending. With regard to present efforts for clearance of the frequencies by the FAA, see the discussion below.

On November 29, 1999, FH&H filed an application on behalf of Harris Corporation for an experimental license for a station operating on frequencies 225-512 MHz (File No. 0324-EX-PL-1999). Attachment 4. The application was assigned call sign WB2XFP. By letter of February 20, 2001, you dismissed that application for failure to provide the necessary FAA clearance of the frequencies. Attachment 5. On March 20, 2001, this firm filed a Petition for Reconsideration of the dismissal of File No. 0324-EX-PL-1999. Attachment 6.

You will note that while the Petition for Reconsideration references File No. 0324-EX-PL-1999, we now find that it erroneously but inadvertently addresses the clearance for the specific frequencies for Station WA2XDO. In fact, since the filing of the Petition we have been able to clear the WA2XDO frequencies with the FAA and we are awaiting the issuance of the Determination of No Hazard. By e-mail of March 27, 2001, Mario Jimenez of FAA Headquarters advised Dennis Eng of the FAA Eastern Region that a Determination of No Hazard could be issued with regard to the FAA frequencies. Attachment 7.

With regard to FAA clearance of frequencies 225-512 MHz for File No. 00324-EX-PL-1999, we have filed a request with Mr. Jimenez for clearance. Attachment 8.

In summary, we ask that the above referenced applications be maintained as pending in order that we might complete the frequency clearance process with the FAA. We believe that doing so will permit the most expeditious and efficient resolution of this matter. We are proceeding under the assumption that the filed Petitions for Reconsideration have kept the two matters open and we will actively pursue the required FAA frequency coordination you have requested.

Should you have any questions or desire any additional information, please communicate with the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ed W. Hummers, Jr.", written over a horizontal line.

Edward W. Hummers, Jr.

April 3, 2001
Page 3

bc: John F. Tolomay

WAS1 #934248 v1

**United States of America
FEDERAL COMMUNICATIONS COMMISSION
EXPERIMENTAL
RADIO STATION CONSTRUCTION PERMIT
AND LICENSE**

EXPERIMENTAL
(Nature of Service)

WA2XDO
(Call Sign)

XD FX MO
(Class of Station)

6264-EX-AL-1998
(File Number)

NAME HARRIS CORPORATION

Subject to the provisions of the Communications Act of 1934, subsequent acts, and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions and requirements set forth in this license, the licensee hereof is hereby authorized to use and operate the radio transmitting facilities hereinafter described for radio communications in accordance with the program of experimentation described by the licensee in its application for license.

Operation: In accordance with Sec. 5.202(fgi) of the Commission's Rules

Station Locations

(1) FISHERS (ONTARIO), NY - NL 43-00-30; WL 77-26-40; MOBILE:within 4 km

Frequency Information

FISHERS (ONTARIO), NY - NL 43-00-30; WL 77-26-40; MOBILE:within 4 km

Frequency	Station Class	Emission Designator	Authorized Power watts	Tolerance (+/-)
112.45 MHz	MO	14K0G7D	20 (Output Power)	0.003 %
112.45 MHz	FX	14K0G7D	20 (Output Power)	0.002 %
136.125 MHz	MO	6K00A3E	25 (Output Power)	0.003 %
136.125 MHz	FX	6K00A3E	25 (Output Power)	0.002 %
136.15 MHz	MO	6K00A3E	25 (Output Power)	0.003 %
136.15 MHz	FX	6K00A3E	25 (Output Power)	0.002 %
136.75 MHz	FX	14K0G7D	25 (Output Power)	0.002 %
136.75 MHz	MO	14K0G7D	25 (Output Power)	0.003 %
136.775 MHz	MO	14K0G7D	25 (Output Power)	0.003 %
136.775 MHz	FX	14K0G7D	25 (Output Power)	0.002 %
136.8 MHz	MO	14K0G7D	25 (Output Power)	0.003 %
136.8 MHz	FX	14K0G7D	25 (Output Power)	0.002 %

Special Conditions:

(1) For frequency 112.45 MHz, licensee shall use identifier "XNL" and time slots A and C.

This authorization effective OCT 01, 1998 and
will expire 3:00 A.M. EST OCT 01, 2000

**FEDERAL
COMMUNICATIONS
COMMISSION**



FEDERAL COMMUNICATIONS COMMISSION
Experimental Licensing Branch
445 12th Street, S.W., Washington, D.C. 20554

October 19, 2000

John F. Tolomay
The Harris Corporation
1680 University Avenue
Rochester, NY 14610

Re: File Nos.: 0001-EX-ML-1999 and 0155-EX-RR-2000
Experimental Radio Service

Dear Applicant:

Your above-referenced application, 0001-EX-ML-1999 for an experimental radio station license has been on file since 12/30/98. During this time, however, the Federal Aviation Administration (FAA) has been unable to provide the necessary clearance for the frequencies requested in your application. Therefore, the application is incomplete and the Experimental Licensing Branch is unable to process it further. Accordingly, we are dismissing your application and recent renewal application, 0155-EX-RR-2000, without prejudice. *See* Sections 0.241(c) and 5.65 of the Commission's Rules.

If you wish to refile the application for the same frequencies, please first precoordinate your request with the FAA, and submit a copy of the FAA's clearance with your application. A list of FAA Regional offices is attached for your convenience.

Also, if you object to the dismissal of the application, you may file a petition for reconsideration within 30 days of the date of this letter. *See* Section 1.106 of the Commission's Rules; *see also* Sections 1.49, 1.51, and 1.52 of the Commission's Rules. Otherwise, the dismissal of the application will become final in 30 days.

Sincerely,

Jim Burtle
Experimental Licensing Branch
Electromagnetic Compatibility Division
Office of Engineering and Technology

Attachment

ATTACHMENT 2

ANN BAENDER
 ANNE GOODWIN CRUMP
 VINCENT J. CURTIS, JR.
 PAUL J. FELDMAN
 FRANK R. JAZZO
 ANDREW S. KENSTING
 EUGENE M. LAWSON, JR.
 SUSAN A. MARSHALL
 HARRY C. MARTIN
 RAYMOND J. QUIANZON
 LEONARD R. RAISH
 JAMES P. RILEY
 ALISON J. SHAPIRO
 KATHLEEN VICTORY
 JENNIFER DINE WAGNER
 HOWARD M. WEISS
 ZHAO XIAOHUA
 * NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW
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 ARLINGTON, VIRGINIA 22209-3801

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RETIREE MEMBERS
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 GEORGE PETRALUSAS
 CONSULTANT FOR INTERNATIONAL AND
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 SHELTON J. KRYE
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 OF COUNSEL
 EDWARD A. CAINE
 MITCHELL LAZARUS
 EDWARD S. O'NEILL
 WATSON DIRECT

(703) 812-0424
 quianzon@fhh-telecomlaw.com

November 16, 2000

VIA TELECOPIER (202/418-1918)

Mr. Jim Burtle
 Experimental Licensing Branch
 Electromagnetic Compatibility Division
 Office of Engineering and Technology
 Federal Communications Commission
 445 12th Street, S.W.
 Washington, D.C. 20554

Attn: Doug Young

Re: File Nos.: 0001-EX-ML-1999 and
 0155-EX-RR-2000
 Experimental Radio Service

Dear Mr. Burtle:

The above-captioned applications were dismissed by the Office of Engineering and Technology fewer than 30 days ago. The indicated reason for dismissal was failure of Federal Aviation Administration clearance.

Please be advised that after consultation with FAA staff, we believe that appropriate correspondence was issued by the FAA on September 5, 2000. We are currently in the process of seeking a re-issuance or copy of the correspondence.

In light of these circumstances, Harris Corporation respectfully request reconsideration of the Office of Engineering and Technology's October 19, 2000 dismissal of the captioned applications. As noted, further documentation will follow. In the interim, should you have further questions regarding this matter, please contact the undersigned.

Yours very truly,

Raymond J. Quianzon
 Raymond J. Quianzon

cc: Mr. John Tolomay (VIA FAX)

*z dictated but not
 reviewed.*

ANN BAVENDER*
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
RICHARD J. ESTEVEZ
PAUL J. FELDMAN
RICHARD HILDRETH
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(1956-1983)
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(1936-1982)
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(1936-1981)
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(1948-1977)

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(1980-1978)

CONSULTANT FOR INTERNATIONAL AND
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SHELDON J. KRYSS
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OF COUNSEL
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JOHN JOSEPH SMITH

WRITER'S DIRECT

(703) 812-0429

petrusa@fhh-telcomlaw.com

November 29, 1999

VIA FEDERAL EXPRESS

Federal Communications Commission
Experimental Radio Services
P.O. Box 358320
Pittsburgh, PA 15251-5320

Re: Harris Corporation
Application to new
experimental license

Dear Sir/Madam:

On behalf of Harris Corporation, we are filing its application for an experimental license to conduct tests and demonstrations on frequencies in the 225-512 MHz bands. Please see Exhibit 1 to the application which provides the justification for the request.

The applicant's check for \$45.00 is attached to the application. FCC Form 159 is also attached.

An extra copy of this filing, marked 'Please Stamp and Return this Copy to Fletcher Heald & Hildreth' is enclosed. Please date stamp this copy and return it to me in the self-addressed, stamped envelope provided.

ATTACHMENT 4

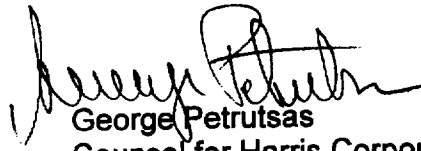
FLETCHER, HEALD & HILDRETH, P.L.C.

Federal Communications Commission
November 29, 1999
Page 2

Please communicate with us if you need further information.

Very truly yours,

FLETCHER, HEALD & HILDRETH

A handwritten signature in black ink, appearing to read "George Petrutsas", is written over the printed name.

George Petrutsas
Counsel for Harris Corporation

GP:cej
Enclosures

1. Applicant's Name and Post Office address
(Street address, city, state, and ZIP Code. See Instruction No. 4)

Harris Corporation
1680 University Ave
Rochester, NY 14610

File No.

0324-EX-PL-1999

2(b). For Modification Indicate below:

☒ New station ☐ Modification of existing authorization

File No: Call Sign:

3. Application for Modification: Check the box beside all particulars to be modified. Check either addition or replacement to indicate whether the change is an addition or a replacement of parameters in the current authorization.

☐ FREQUENCY - ☐ EMISSION - ☐ POWER - ☐ LOCATION -
☐ addition or ☐ replacement? ☐ addition or ☐ replacement? ☐ addition or ☐ replacement? ☐ addition or ☐ replacement?

☐ OTHER PARTICULARS - addition or replacement? (Describe below or in attached EXHIBIT No. _____)

[illegible]

- (A) List each frequency or frequency band separately. (If more space is required, attach as EXHIBIT No. _____)
- (B) Insert maximum R.F. output power at the transmitter terminals. Specify units.
- (C) Insert maximum effective radiated power from the antenna (if pulsed emission, specify peak power). Specify units.
- (D) Insert "MEAN" or "PEAK" (See definitions in Part 5).
- (E) List each type of emission separately for each frequency. (See Section 2.201 of FCC Rules)
- (F) Insert as appropriate for the type of modulation:
- (1) the maximum speed of keying in bauds;
 - (2) maximum audio modulating frequency;
 - (3) frequency deviation of carrier;
 - (4) pulse duration and repetition rate.
- For complex emissions, describe in detail in the space provided below.
- (G) Describe how the necessary bandwidth was determined in space provided below.
- FCC Form 442 - Page 2

5(a). Proposed location of transmitter and transmitting antenna (check only one box to indicate type of operation):

FIXED/BASE

☐ MOBILE

☒ BASE AND MOBILE

5(b). If permanently located at a FIXED location, give below:

State

County

City or Town

Number and street (or other indication of location)

5(c). If mobile, describe the exact area of operation

Within 50km radius
of Rochester, NY

5(b)(1). Enter geographical coordinates exact to the nearest second (see instruction 10)

North Latitude (DD-MM-SS)

0

"

West Longitude (DD-MM-SS)

0

"

5(c)(1) Enter geographical coordinates of the approximate center of mobile operation (see instruction 10.)

North Latitude

West Longitude

43-08-55"

077-33-35"

5(d). Datum (see instruction 10): ☒ NAD 27 ☐ NAD 83

6. Is a directional antenna (other than radar) used? ☐ YES ☒ NO

If "YES", give the following information:

(a) Width of beam in degrees at the half-power point _____

(b) Orientation in horizontal plane _____ (c) Orientation in vertical plane _____

7. Is this authorization to be used for fulfilling the requirement of a government contract with an agency of the United States Government? ☐ YES ☒ NO

If "YES", attach as EXHIBIT No. _____ a narrative statement describing the government project, agency and contact number.

8. Is this authorization to be used for the exclusive purpose of developing radio equipment for export to be employed by stations under the jurisdiction of a foreign government? ☐ YES ☒ NO

If "YES", attach as EXHIBIT No. _____ the following information: Provide the contract number and the name of the foreign government concerned.

9. Is this authorization to be used for providing communications essential to a research project? (The radio communication is not the objective of the research project). ☐ YES ☒ NO

If "YES", attach as EXHIBIT No. _____ a narrative statement providing the following information:

(a) A description of the nature of the research project being conducted.

(b) A showing that the communications facilities requested are necessary for the research project involved.

(c) A showing that existing communications facilities are inadequate.

10. If all the answers to Items 7, 8, and 9, are "NO", attach as EXHIBIT No. _____ a narrative statement describing in detail the following:

(a) The complete program of research and experimentation proposed including description of equipment and theory of operation.

(b) The specific objectives sought to be accomplished.

(c) How the program of experimentation has a reasonable promise of contribution to the development, extension, expansion, or utilization of the radio art, or is along line not already investigated.

11(a). Give an estimate of the length of time that will be required to complete the program of experimentation proposed in this application: 2 years - renewable

(b) If less than 2 years, give the length of time in months that the authorization requested in this application will be required: _____

12. Would a Commission grant of this application come within Section 11307 of the FCC Rules, such that it may have a significant environmental impact (see instruction 11)? ☐ YES ☒ NO

If "YES", attach as EXHIBIT No. _____ an Environmental Assessment as required by Section 11811.

13. List below transmitting equipment to be installed (if experimental, so state):

MANUFACTURER

MODEL NUMBER

NO. OF UNITS

Harris RF Communications

various

product development

14. Is the equipment listed in Item 13 capable of station identification pursuant to Section 5.152? ☐ YES ☒ NO
15. Will the antenna extend more than 6 meters above the ground, or if mounted on an existing building, will it extend more than 6 meters above the building, or will the proposed antenna be mounted on an existing structure other than a building? ☐ YES ☒ NO

If "YES", give the following (see instruction 9):

(a) Overall height above ground to tip of antenna is _____ meters.

(b) Elevation of ground at antenna site above mean sea level is _____ meters.

(c) Distance to nearest aircraft landing area is _____ kilometers.

(d) List any natural formations of existing man-made structures (hills, trees, water tanks, towers, etc.) which, in the opinion of the applicant, would tend to shield the antenna from aircraft and thereby minimize the aeronautical hazard of the antenna.

(e) Submit as EXHIBIT No. _____, a vertical profile sketch of total structure including supporting building, if any, giving heights in meters above ground for all significant features. Clearly indicate existing portion, noting particulars of aviation obstruction lighting already available.

16. Applicant is: (check only one box)

☐ INDIVIDUAL ☐ ASSOCIATION ☐ PARTNERSHIP ☒ CORPORATION

☐ OTHER (describe in space provided below)

17. Is applicant a foreign government or a representative of a foreign government? ☐ YES ☒ NO

18. Has applicant or any party to this application had any FCC station license or permit revoked or had any application for permit, license or renewal denied by this Commission? ☐ YES ☒ NO

If "YES", attach as EXHIBIT No. _____, a statement giving call sign of license or permit revoked and relate circumstances.

19. Will applicant be owner and operator of the station? ☒ YES ☐ NO

20. Give name, title, and telephone number (include area code), and Internet e-mail address (if applicable) of person who can best handle inquiries pertaining to this application.

Bryan Laughlin - Sr. Field Engineer (716) 242-3418 b1aughl@harris.com

21. APPLICANT ANTI-DRUG ABUSE CERTIFICATION:

By checking "YES", the individual applicant certifies that he or she is eligible for this license. This requires that he or she is not subject to a denial of federal benefits, including FCC benefits, as a result of a drug offense conviction pursuant to Section 5801 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862. A non-individual applicant, e.g., corporation, partnership or other unincorporated association, certifies that no party to the application is subject to a denial of federal benefits, pursuant to that section. For definition of a "party" for these purposes, see 47 CFR 1.2002(b).

☒ YES ☐ NO

22. List below all exhibits in numerical sequence and the item number of form requiring the exhibit identified.

EXHIBIT NUMBER	ITEM NO. OF FORM	EXHIBIT NUMBER	ITEM NO. OF FORM	EXHIBIT NUMBER	ITEM NO. OF FORM
1 (one)	10 (ten)				

23. CERTIFICATION:

Attention: Read this certification carefully before signing this application.

THE APPLICANT CERTIFIES THAT:

- (a) Copies of FCC Rule Parts 2 and 5 are on hand; and
- (b) Adequate financial appropriations have been made to carry on the program of experimentation which will be conducted by qualified personnel; and
- (c) All operations will be on an experimental basis in accordance with Part 5 and other applicable rules, and will be conducted in such a manner and at such a time as to preclude harmful interference to any authorized station; and
- (d) Grant of the authorization requested herein will not be construed as a finding on the part of the Commission:
 - (1) that the frequencies and other technical parameters specified in the authorization are the best suited for the proposed program of experimentation, and
 - (2) that the applicant will be authorized to operate on any basis other than experimental, and
 - (3) that the Commission is obligated by the results of the experimental program to make provision in its rules including its table of frequency allocations for applicant's type of operation on a regularly licensed basis.

APPLICANT CERTIFIES FURTHER THAT:

- (e) All the statements in the application and attached exhibits are true, complete and correct to the best of the applicant's knowledge; and
- (f) The applicant is willing to finance and conduct the experimental program with full knowledge and understanding of the above limitations; and
- (g) The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the USA.

Signed and dated this 24 day of November, 19 99

Name of Applicant Harris Corporation
(must correspond with name given on page 1)

By Bryan Laughlin Bryan Laughlin
(print) (signature)

Title Sr. Field Engineer

Check appropriate classification:

- ☐ Individual applicant ☐ Member of applicant partnership
☒ Authorized employee ☐ Office of applicant corporation or association

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18 Section 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

**NOTIFICATION TO INDIVIDUALS UNDER PRIVACY ACT OF 1974
AND THE PAPERWORK REDUCTION ACT OF 1980**

Information requested through this form is authorized by the Communications Act of 1934, as amended, and specified by Section 308 therein. The information will be used by Federal Communications Commission staff to determine eligibility for issuing authorizations in the use of the frequency spectrum and to effect the provisions of regulatory responsibilities rendered by the Commission by the Act. Information requested by this form will be available to the public unless otherwise requested pursuant to 47 CFR 0.459 of the FCC Rules and Regulations. Your response is required to obtain this authorization.

Public reporting burden for this collection of information is estimated to average four (4) hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3080-0065), Washington, DC 20554. **DO NOT send completed applications to this address.** Individuals are not required to respond to this collection unless it displays a currently valid OMB control number.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3607.



HARRIS CORPORATION

RF COMMUNICATIONS
1680 University Avenue
Rochester, New York 14610
telephone 716-244-5830

www.harris.com/communications

Exhibit 1

Harris, as a developer and manufacturer of sophisticated radio equipment, needs new experimental licenses to continue our development, testing and demonstration efforts.

After units are bench tested, a critical part of our product development is an on-the-air operational assessment. In order to perform this type of testing, some radiation is required from the transceiver, on legitimate test frequencies. Our engineering and quality assurance people need to have a large number of frequencies in the 225 to 512 megahertz frequency range to select from at random in order to maintain confidence in the product's consistency of design and manufacture.

FEDERAL COMMUNICATIONS COMMISSION
Experimental Licensing Branch
445 12th Street, S.W., Washington, D.C. 20554

February 20, 2001

Harris Corporation
1680 University Ave.
Rochester, NY 14610
Attn: Bryan Laughlin

Re: File No.: 0324-EX-PL-1999
Experimental Radio Service
Location(s): Rochester, NY

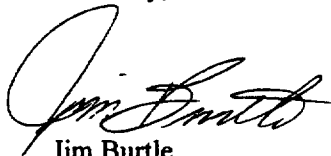
Dear Mr. Laughlin:

Your above-referenced application for an experimental radio station license has been on file since 11/30/99. During this time, however, the Federal Aviation Administration (FAA) has been unable to provide the necessary clearance for the frequencies requested in your application. Therefore, the application is incomplete and the Experimental Licensing Branch is unable to process it further. Accordingly, we are dismissing your application without prejudice. See Sections 0.241(c) and 5.65 of the Commission's Rules.

If you wish to refile the application for the same frequencies, please first precoordinate your request with the FAA, and submit a copy of the FAA's clearance with your application. A list of FAA Regional offices is attached for your convenience.

Also, if you object to the dismissal of the application, you may file a petition for reconsideration within 30 days of the date of this letter. See Section 1.106 of the Commission's Rules; see also Sections 1.49, 1.51, and 1.52 of the Commission's Rules. Otherwise, the dismissal of the application will become final in 30 days.

Sincerely,



Jim Burtle
Experimental Licensing Branch
Electromagnetic Compatibility Division
Office of Engineering and Technology

Attachment

Law Offices

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RECEIVED

MAR 20 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

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Mexico City	Tel Aviv*
Rio de Janeiro	Tokyo

* Representative Offices

March 20, 2001

EDWARD W. HUMMERS, JR.
202-457-7145

Internet Address:
ehummers@hklaw.com

VIA HAND DELIVERY

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Room TW- A325
Washington, DC 20554

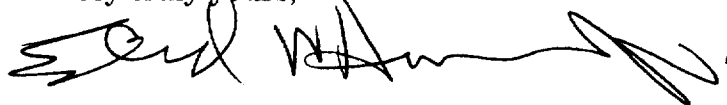
Re: **Experimental Radio Service**
File No. 0324-EX-PL-1999

Dear Secretary Salas:

Transmitted herewith on behalf of Harris Corporation, are an original and four copies of a Petition for Reconsideration of the dismissal of the above referenced application by the Experimental Licensing Branch, Electromagnetic Compatibility Division, Office of Engineering and Technology.

Should any questions arise concerning this matter, please advise the undersigned.

Very truly yours,



Edward W. Hummers, Jr.
Counsel for
Harris Corporation

Enclosure

ATTACHMENT 6

RECEIVED

MAR 20 2001

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In re Application of	)	Experimental Radio Service
	)	
Harris Corporation	)	File No. 0324-EX-PL-1999
	)	

To: Experimental Licensing Branch
Electromagnetic Compatibility Division
Office of Engineering and Technology

PETITION FOR RECONSIDERATION

Comes now Harris Corporation, by counsel¹, pursuant to Section 1.106 of the rules, 47 C.F.R. § 1.106, to seek reconsideration of the February 20, 2001 letter of the Experimental Licensing Branch, Electromagnetic Compatibility Division, Office of Engineering and Technology, which dismissed the above referenced application for renewal and modification of Experimental Radio Station WA2XDO (the "Application"). In support of this petition, the following is stated:

1. The Application was dismissed because of the failure of the applicant to obtain Federal Aviation Administration clearance of the frequencies requested in the Application. The FAA, pursuant to Aeronautical Study No. 00-AEA-3153-OE, issued a Determination of No Hazard to Air Navigation on September 5, 2000. However, the Determination incorrectly stated that the facility was a "receive only"

¹ Holland & Knight LLP has replaced Fletcher, Heald & Hildreth, P.L.C. as counsel for Harris Corporation.

site. Counsel believes that the FAA was advised by prior counsel that the site was a transmitting operation and the frequencies upon which WA2XDO operates were forwarded to the FAA. Unfortunately, the FAA apparently has not conducted the required frequency analysis and apparently believed that the issued Determination was adequate.

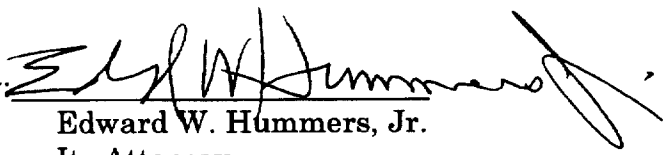
2. To resolve the matter, counsel for Harris has this day spoken with Mr. Robert P. Alexander, Specialist, Airspace Branch, and requested that the operating frequencies for WA2XDO be studied and that a revised Determination be issued. A copy of the WA2XDO license was forwarded to Mr. Alexander. Copy of letter attached. In a subsequent telephone conversation, Mr. Alexander advised counsel that the matter has to be coordinated with Mr. Dennis Eng of the FAA Eastern Region. Mr. Eng has advised counsel that the proposed frequency 112.45 MHz is clear but that counsel must contact FAA Headquarters to determine the process for clearing proposed frequencies 136.125 –136.8 MHz. Counsel has communicated with FAA Headquarters and is attempting to determine the frequency clearance procedure required by the FAA.

3. The pendency of the Harris application does not disadvantage any other party and the resources of the Commission and Harris Corporation will be better preserved by the granting of this petition for reconsideration to provide a reasonable period of time for the FAA to respond to the Harris request to clear the use of the requested frequencies. Once the required clearance is received, Harris

will so advise the Commission and the processing of the pending application may be completed.

Respectfully submitted,

Harris Corporation

By: 
Edward W. Hummers, Jr.
Its Attorney

HOLLAND & KNIGHT LLP
2099 Pennsylvania Ave., N.W.,
Suite 100
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(202) 457-7145

March 20, 2001

WAS1 #929421 v1

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March 20, 2001

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By Telecopier 718-995-5693

Mr. Robert P. Alexander
Specialist Airspace Branch
Federal Aviation Administration
Eastern Region, AEA-520
1 Aviation Plaza
Jamaica, NY 11434-4809

Re: Aeronautical Study No. 00-AEA-3153-OE

Dear Mr. Alexander:

Pursuant to our telephone conversation of this morning, I am attaching a copy of the FCC Experimental License for Station WA2XDO issued to Harris Corporation which lists the frequencies upon which the station operates. The FCC advises that Harris must obtain an FAA Determination of No Hazard which clears the use of the licensed frequencies in order for the FCC to grant a renewal of the experimental license.

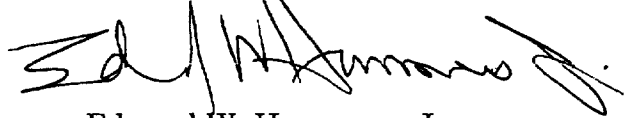
Please issue a revised determination and forward a copy to this office by facsimile at the number set forth above and to:

Mr. John Tolomay
Harris Corporation
RF Communications Division
1680 University Avenue
Rochester, NY 14610
FAX 716-242-3281

Mr. Robert P. Alexander
March 20, 2001
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Please note that this firm now represents Harris Corporation with regard to this matter. Should you have any questions, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ed W. Hummers, Jr.', with a stylized flourish at the end.

Edward W. Hummers, Jr.
Counsel for Harris Corporation

cc: John Tolomay, via facsimile

WAS1 #929417 v1

HUMMERS, EDWARD (X77145)

From: HUMMERS, EDWARD (X77145)
Sent: Tuesday, March 27, 2001 2:21 PM
To: 'Mario CTR Jimenez'; Dennis.Eng@faa.gov
Subject: RE: Experimental frequencies at Rochester, NY

Thanks Mario for handling this matter so swiftly. I appreciate your efforts. Ed

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-----Original Message-----

From: Mario CTR Jimenez [mailto:Mario.CTR.Jimenez@faa.gov]
Sent: Tuesday, March 27, 2001 1:43 PM
To: Dennis.Eng@faa.gov
Cc: HUMMERS, EDWARD (X77145)
Subject: Experimental frequencies at Rochester, NY

Hi Dennis,

136.125 and 136.15 have been set aside to support Harris Corporation (thru Ed Hummers) request for two VHF frequencies. The RTR site is at Rochester, NY (see NG records for the site). This site constitutes a renewal of the operations at Fishers, Ontario (NY) that expired last October.

A no hazard determination was made, but for a receive-only tower (Study 00-AEA-3153-OE). A new determination must be made for the facility, as Harris intends to transmit on both of the above frequencies.

Please let me know as soon as you get a determination. I have notified Mr. Hummers of his need to request the frequency authorizations from the FCC. By the way, I have been told that this tower supports the above two frequencies ONLY. I ran the model on both frequencies, and the only conflict is a cosite failure against each other, since the two frequencies are closer than 500 kHz. The user will deconflict their operation.

Mario

HUMMERS, EDWARD (X77145)

From: HUMMERS, EDWARD (X77145)
Sent: Thursday, March 29, 2001 5:25 PM
To: 'Mario CTR Jimenez'
Subject: Frequency Clearance

Mario, I am trying to straighten out some old files for the Harris Corporation including an old application to the FCC for an experimental license for a new station to operate on 225 MHz-512 MHz, 50 watts, f3E emission, 16 KHz modulating signal with 16 KHz bandwidth, operating in the Rochester, NY area, base and mobile, from NL 43-08-55, WL 77-33-35 (NAD 27). There is a letter in the file we inherited that states that the frequencies require FAA coordination. Are these frequencies for which you require clearance? To the best of my knowledge not request has been filed with the FAA. The FCC File number is 0324-EX-PL-1999. I appreciate any advice you can provide. Ed

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