



PUBLIC NOTICE

Federal Communications Commission
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DA 20-494
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**OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES PROCEQ USA, INC.
REQUEST FOR WAIVER OF CERTAIN PART 15 ULTRA-WIDEBAND (UWB) RULES
TO BE A “PERMIT-BUT-DISCLOSE” PROCEEDING FOR *EX PARTE* PURPOSES
AND REQUESTS COMMENT**

ET Docket No. 20-127

Comment Date: June 8, 2020

Reply Comment Date: June 23, 2020

On February 4, 2020, Proceq USA Inc. (“Proceq”) filed a request to modify a previously granted waiver, requesting further increase of the device’s operating bandwidth.¹ The device is an ultra-wideband (UWB) ground penetrating radar that is used to test the safety, durability and sustainability of materials such as concrete, metal, rock, and composites used in industrial settings. This most recent waiver request seeks to extend the operating frequency range from 200-6000 MHz to 30MHz-8000 MHz, which will result in improved resolution and technical performance for the device. We seek comment on Proceq’s latest request for waiver.

In September 2017, Proceq had filed a request for waiver of sections 15.503(d), and 15.31(c) of the Commission’s Part 15 ultra-wideband (UWB) rules to market its Proceq GPR Live.² The original Order granting the waiver allowed Proceq to operate on stepped frequency continuous-wave modulation and would transmit between 200 and 4000 MHz³, with the step sizes of 10, 20, and 40 MHz, and dwell time of 2 micro-seconds.⁴

In September 2019, Proceq filed a request to modify the waiver, requesting an increase of the operating bandwidth by extending the upper transmit frequency limit by 2000 MHz, to operate between

¹ Proceq USA Inc. Petition to Modify Part 15 Rule Waiver (February 4, 2020)

² Proceq USA Inc. Request for Waiver of Part 15 of the Commission’s Rules Applicable to Ultra-Wideband Devices (Sept. 11, 2017). The original design of Proceq “GPR Live” product was intended to operate within the frequencies range of 972-3822 MHz.

³ Proceq USA Inc. Request for Waiver of Section 15.31, 15.503, and 15.521 of the Commission's Rules to Permit the Certification and Marketing of Ground Penetrating Radar (GPR) Device that Operates in the 0.2-4 GHz Range, Order, 33 FCC Rcd 2258 (OET 2018).

⁴ Proceq USA Inc. Request for Waiver of Part 15 of the Commission’s Rules Applicable to Ultra-Wideband Devices, Order, DA 18-251 (rel. March 14, 2018) (“Waiver Order”). See also 47 C.F.R §§ 15.503(d), 15.31(c), 15.521(d). Even though this waiver request was not placed on Public Notice, the waiver Order was coordinated with National Telecommunications and Information Administration (NTIA).

200 MHz and 6000 MHz, instead of 200 MHz and 4000 MHz of the original design.⁵ OET granted the request to modify the original waiver.⁶

The FCC's Office of Engineering and Technology (OET) is now seeking comment on the latest request to modify the original waiver to allow interested parties to submit their comments regarding the requested modifications filed by Proceq. OET has concluded that to develop a complete record on the issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as "permit-but-disclose" in accordance with Section 1.1200(a) of the Commission's rules, subject to the requirements under Section 1.1206(b).

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). 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: <http://fjallfoss.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy 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 commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.⁷
- 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 DC 20554.

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).

⁵ Letter from Terry G. Mahn, Counsel to Proceq USA Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (May 17, 2019) (filed in INBOX-PART 15 in the Commission's Electronic Comment Filing System) (Proceq Waiver Modification Letter). This letter corrected and replaced an earlier submission made on behalf of Proceq on December 17, 2018. The corrected letter was to request the extended frequency range by 2000 MHz in the upper end of the frequency range and that Proceq does not alter the technical and operational conditions included in the existing waiver.

⁶ Request for Modification of Waiver Granted to Proceq USA Inc. Order, DA 19-892 (rel. September 11, 2019) ("Waiver Order").

⁷ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

Parties should also send a copy of their filings to Nader Haghghat, Office of Engineering and Technology, Federal Communications Commission, Room 7-A345, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to Nader.Hahighat@fcc.gov.

Documents are available for viewing on ECFS, <http://www.fcc.gov/ecfs>, by entering the docket number. These documents 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.

Office of Engineering and Technology contact: Nader Haghghat at 202-418-2427.

By the Acting Chief, Office of Engineering and Technology

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