



Federal Communications Commission
Washington, D.C. 20554

September 23, 2002

Itron, Inc.
2818 N. Sullivan Road
Spokane, WA 99216

Dear Mr. Beliveau:

This is in response to your letter of June 10, 2002 on behalf of Itron, Inc., seeking a waiver of Section 15.23 (e) of the Commission's rules for its new G5RL device. You state that this device will replace and be functionally equivalent to another device, the ReadOne Pro, for which Itron already holds a waiver of this rule. You state that you can no longer obtain parts to manufacture the ReadOne Pro, and are replacing its functionality by incorporating its replacement, the G5RL into another product, the RadioRaptor. You argue that the waiver previously granted for the ReadOne Pro should be extended to the new device, as the new device will operate identically with respect to compliance with our rules.

Section 15.231 (e) permits intentional transmissions of any type, including data transmissions, to be made at regular intervals and at power levels higher than those generally allowed for unlicensed intentional radiators, as long as transmissions do not exceed one second in duration, and the silent period between transmissions is at least thirty times the duration of the transmission, but in no case less than ten seconds.

On November 5, 1990, the Commission granted a waiver of Section 15.231 (e) to Itron's predecessor, EnScan, Inc., that permits a transmitter designed for programming utility meters to operate with a transmission time of 1.5 seconds. In granting the EnScan waiver request stated that the transmitter would operate infrequently because a meter requires programming only once every 10 or 15 years. We also noted that this waiver would eliminate the need for dividing the transmission into two separate sessions, which would strictly adhere to the one second rule, but which would be burdensome to the meter installer and could increase the interference potential of the device.

You state that Itron's new device, like the original EnScan device, complies with all aspects of Section 15.231, except that the transmission time exceeds the one second limit of Section 15.231 (e). You also state that the factors applicable to the EnScan waiver also apply to the new transmitter you propose to use.

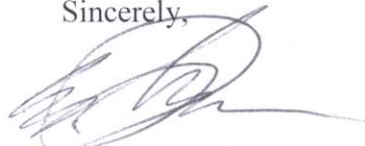
The Commission will waive its rules in specific cases only if it determines that such a grant would serve the public interest without undermining the policy which the rule in question is intended to serve. *See WAIT Radio v. FCC*, 418 F.2d 1153, (D.C. Cir. 1969). We find that the same factors that justified grant of the waiver for EnScan's device are also applicable to Itron's updated transmitter, which are that the transmitters will have limited proliferation and operate on

an infrequent basis, so they should not have a high potential for causing interference to authorized services. Moreover, we have no evidence that any of the devices manufactured under the existing waiver have caused interference problems in over eleven years of use. Accordingly, under the authority contained in Section 0.241 of the rules, we grant a waiver of Section 15.231 (e) to allow the Itron device to operate with a 1.5 second transmission time.

The device must meet all other requirements for operation under Section 15.231 (e) and be authorized to show compliance with this rule. Marketing of devices operating under this waiver must be restricted to commercial and industrial users. Itron, Inc. must report to the Commission any cases of harmful interference caused by this device. This waiver may be cancelled at any time for cause.

If you have any questions concerning this letter, please contact Mr. Hugh L. Van Tuyl at (202) 418-7506.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edmond J. Thomas', written over a circular stamp or seal.

Edmond J. Thomas
Chief
Office of Engineering and Technology