



Federal Communications Commission  
Washington, D.C. 20554

June 7, 2002

Mr. Thomas P. Van Wazer  
Sidley Austin Brown & Wood LLP  
1501 K Street, N.W.  
Washington, DC 20005

Dear Mr. Van Wazer:

This is in response to your letter of May 17, 2002 on behalf of Mitutoyo America Corporation ("Mitutoyo") requesting that a current waiver of Section 15.231 (a) of the FCC Rules be extended to a new version of the industrial measuring device for which the waiver was initially granted. Specifically, Mitutoyo seeks to maintain its waiver of the requirement in Section 15.231(a) that an intentional radiator approved for operation under this section be limited to the transmission of control signals.

Section 15.231, *inter alia*, permits the transmission of intermittently emitted control signals, such as those transmitted by alarm systems, door openers, remote switches, and similar devices, at power levels higher than those generally allowed for unlicensed intentional radiators. However, Section 15.231(a) prohibits continuous transmissions, such as voice, video, or data transmissions. The prohibition against data transmissions does not preclude the transmission of identification codes used to identify the transmitter that is activated.

On November 16, 1994, the Commission granted a waiver of Section 15.231(a) to MTI Corporation to permit its measuring device to transmit a data signal for purposes other than control and identification. You state that MTI subsequently changed its name to Mitutoyo America Corporation. In granting the MTI waiver, we stated that the short numerical data code that the device transmits is indistinguishable from the identification code permitted under the rule. Additionally, we stated that the short duration of the transmissions does not violate the prohibition against continuous transmissions contained in Section 15.231(a). Finally, we recognized that the industrial settings in which these devices would be used ensure that the separation distance from other spectrum users is greater than in typical residential environments, thereby further reducing the risk of interference. You request that the MTI waiver be extended to Mitutoyo to permit the use of an updated transmitter, identified as FCC ID No. J3E06MW-TALL, since the transmitter approved under the original waiver is no longer manufactured.

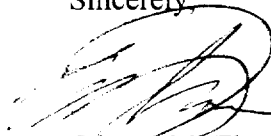
You state that Mitutoyo's new device, like the original MTI device, complies with all aspects of Section 15.231, except that it periodically transmits technical measurement data in addition to an identification code. You also state that the factors applicable to the MTI waiver also apply to the new transmitter you propose to use.

We find that the same factors that justified grant of waiver for MTI's device are also applicable to Mitutoyo's updated transmitter. Accordingly, under the authority contained in Section 0.241 of the rules, we grant a waiver of the prohibition against data transmissions in Section 15.231(a) of the rules to allow the Mitutoyo America Corporation device to operate under Section 15.231.

The device must meet all other requirements for operation under Section 15.231(a) and be authorized to show compliance with this rule. Marketing of devices operating under this waiver must be restricted to commercial and industrial users. Mitutoyo America Corporation 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 additional questions, you may contact Neal McNeil at (202) 418-2408.

Sincerely,

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

Edmond J. Thomas

Chief

Office of Engineering and Technology