



UNITED STATES DEPARTMENT OF COMMERCE  
National Telecommunications and  
Information Administration  
Washington, D. C. 20230

JUN - 5 2001

Mr. Bruce Franca  
Acting Chief, Office of Engineering and Technology  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Kohler Co. Request for Waiver of Sections 15.205(a) and 15.35(b) of the Commission's Rules, June 16, 2000.

Dear Mr. Franca:

With the assistance of the Interdepartment Radio Advisory Committee, the National Telecommunications and Information Administration (NTIA) has completed its review of the above referenced request by the Kohler Co. for waiver of Sections 15.205(a) and 15.35(b) of the Commission's Rules, 47 C.F.R. §§ 15.205(a) and 15.35(b) to permit the Kohler Co. to import and market its ventilating toilet kit. NTIA concurs in approval by the Federal Communications Commission (FCC) of the requested waiver for a four-year term on the following conditions:

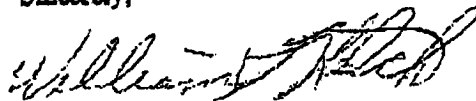
Federal government concurrence for the FCC to grant conditional approval of this request for waiver does not in any way imply that the Federal government can agree to the general authorization and use of all UWB devices. Nor should it be deemed in any way to prejudice the Federal government's consideration of the issues involving the operation of UWB devices in any inquiry or rule making proceeding now underway or to be undertaken by the FCC. Nor does NTIA in any way waive its regulation of the use of UWB devices by the Federal agencies as described in Part 10.10 of our *Manual of Regulations and Procedures for Federal Radio Frequency Management*.

The Kohler Co. must:

1. Cease manufacturing and marketing this UWB toilet ventilating kit if it causes harmful interference to other radio services, or the FCC adopts new rules that would in effect prohibit operations of such devices. The Kohler Co. alternatively bring the system into conformity with the new rules.
2. Obtain a grant of certification from the FCC using the procedures discussed in sections 2.1031-2.1045 of the Commission's Rules before they can market any UWB equipment.
  - a. The certificate must show that the equipment complies with the conditions specified here and does not exceed the emission limits in section 15.209 of the Commission's Rules.

- b. All certification measurements must be confirmed at the FCC Laboratory in Columbia, MD.
- c. The Konler Co. must file the operating characteristics of their marketed equipment and their FCC certification number with NTLA.
3. Apply for a new grant of certification for equipment modifications that would affect the conformity of the actual radiated levels to the requirements of section 15.209 of the Commission's Rules. In addition to the requirements of section 2.1043 of the Commission's Rules, these changes include variations in center frequency and radiated power, or in other spectrum related characteristics, e.g., pulse width and pulse repetition frequency. Changes in design that would bring the system out of conformity with section 15.209 of the Commission's Rules are prohibited.
4. Label their products with the following statements in addition to the labeling requirements of section 15.19 of the Commission's Rules:
- The operation of this equipment is authorized under a waiver issued by the FCC. If it is determined that the operation of this equipment causes harmful interference to authorized radio operations, the operator shall immediately cease operations and contact the Compliance and Information Bureau of the FCC.
5. Not market the toilet ventilating kit equipment for use outside the home under this waiver.

Sincerely,



William T. Hatch  
Associate Administrator  
Office of Spectrum Management