



American Telecommunications Certification Body Inc.
6731 Whittier Ave, McLean, VA 22101

March 21, 2005

RE: CYBERBANK, Corp

FCC ID: PGVCP-X315

I have a few comments on this Application. Depending on your responses, kindly understand there may be additional comments.

- 1.) FYI: The proper reference for ANSI C63.4 is currently the 2003 version. Kindly update your procedures and records.
- 2.) Please provide details of voltage and current applied through the final amplifying circuit as required by 2.1033(c)(8).
- 3.) Please confirm a specification of 0.5ppm should be shown on the Grant of Equipment Authorization. Will the Applicant maintain .5ppm for all products manufactured under this FCC ID?
- 4.) The SAR report in section 4.3 seems to indicate that both AMPS and PCS band operation is possible. Please review your SAR report.
- 5.) FYI: In the future, it will be helpful if all SAR reports are uploaded to the ATCB server as an "RF Exposure" exhibit, and not as part of the Test Report.
- 6.) Please provide RF power tune-up target values for this device as part of the "Tune-Up Procedure". It is necessary to determine if testing was performed with the device tuned up to it's maximum expected RF output for SAR testing.

This device can also be connected to a computer via a USB interface. Therefore the next few questions are interrelated.

- 7.) Receivers used with Licensed radio receivers should have a label affixed to the device with the one-part label statement of 15.19(a)(1). Only computers and computer peripherals use the two-part statement of 15.19(a)(3). In this case, the simplest solution for this product is to use the one part statement on the PDA phone itself, and the two-part statement in the Manual with the preface, "...when used as part of a computing system..." Please review. Alternative language may be considered.
- 8.) Was a DoC procedure utilized for authorization of this device when used as a computer peripheral? If so, the "FCC Logo" as required by 15.19(b) [all appropriate sections] should be utilized. Kindly correct the label. If instead, a "Certification" as a computer peripheral is desired, then the "FCC Logo" shall not appear on the device and Composite filing should be presented to ATCB as both a "Computer Peripheral" and well as a "800MHz PDA Phone". Please advise.

Discussion: These are the two differing FCC 15.19 statements:

One-part statement:

"This device complies with part 15 of the FCC Rules. Operation is subject to the condition that this device does not cause harmful interference."

Two-part statement:

"This device complies with part 15 of the FCC Rules. Operation is subject to the following two conditions: (1) This device may not cause harmful interference, and (2) this device must accept any interference received, including interference that may cause undesired operation."

The differences between these two statements are subtle but important. Users of Cellphones and other Licensed radio products are assumed to have a right to operate in the radio frequency spectrum with an expectation that they will be free of interference from other users, and from Unintentional sources. The only responsibility that Licensed users have is not to create any interference for anyone else. By contrast, users of Unlicensed radio devices have no such expectation of any legal protection from the Federal Government. Therefore, in addition to being sure that they are never the source of any interference, Part 15 users have no legal recourse and must accept any interference that may be created by other users. In the case of a product that is capable of being used under both Licensed and Unlicensed services, the labeling can get tricky. Users of the Cellphone should be made aware that they have specific rights available if interference occurs that disrupts their communications. On the other hand, the user of a Part 15 product [in this case the PDA when operating as a "computer peripheral"] must realize that there is no guarantee and no legal recourse if another radio frequency device interferes with intended operation. This same rationale would also occur if an unlicensed WiFi transceiver were co-located with a licensed Cellphone – interference to the WiFi transceiver must be tolerated, but interference to the Cellphone should not.

If you have any additional questions, I will be happy to help you with them.

Best Regards,

A handwritten signature in black ink, appearing to read 'William H. Graff', with a stylized, cursive script.

William H. Graff
President and Director of Engineering

[mailto: whgraff@AmericanTCB.com](mailto:whgraff@AmericanTCB.com)

The items indicated above must be submitted before processing can continue on the above referenced application. Failure to provide the requested information may result in application termination. Correspondence should be considered part of the permanent submission and may be viewed from the Internet after a Grant of Equipment Authorization is issued.

Please do not respond to this correspondence using the email reply button. In order for your response to be processed expeditiously, you must submit your documents through the AmericanTCB.com website. Also, please note that partial responses increase processing time and should not be submitted.

Any questions about the content of this correspondence should be directed to the sender.