

ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC.



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VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**Re: Additional Spectrum for the Medical Device
Radiocommunication Service in the 413-457 MHz Band;
ET Docket No. 09-36; RM-11404**

Dear Ms. Dortch:

The Commission's *Notice of Proposed Rulemaking* in the above-referenced proceeding proposes allowing up to 24 MHz of spectrum in the 413-457 MHz band to be used on a secondary basis for the operation of implantable wireless neuromuscular microstimulation devices.¹ The Association for Maximum Service Television, Inc. ("MSTV")² agrees that it is important to set aside spectrum for the networks that manage these important medical devices. MSTV writes only to alert the Commission of the potential for broadcasters' already authorized operations to interfere with patients' wireless implants.

There may be unintended negative consequences when allocating medical devices to frequencies already in use by other services.³ Moreover, the proposed band is used by several services, all of which may interfere with these devices.

¹ See *Amendment of Parts 2 and 95 of the Commission's Rules to Provide Additional Spectrum for the Medical Device Radiocommunication Service in the 413-457 Band*, Notice of Proposed Rulemaking, 24 FCC Rcd 3445 (Mar. 17, 2009).

² MSTV is a nonprofit trade association of local broadcast television stations committed to achieving and maintaining the highest technical quality for the local broadcast system.

³ In February 1998, for example, the heart monitors of patients at Baylor University Medical Center in Dallas failed as a result of unexpected interference from authorized digital television signal testing conducted by WFAA-TV. Fortunately, the patients suffered no injuries, and broadcasters responded quickly and responsibly by coordinating closely with hospitals until the (continued...)

In order to avoid similar interference with medical micro-power networks, MSTV urges the Commission to be cautious in authorizing the operation of such networks in the 413-457 MHz band. Broadcasters are licensed to use the 450-456 MHz band to transmit reports from the field to their stations via remote pickup units. This local news, weather, and emergency programming is of great importance to the public. Breaking news stories are likely to take place in hospitals and other, less expected, locations where individuals with wireless medical implants would be present.

The Commission should avoid the potential for interference that could result in potentially life-threatening injury to the individuals that rely on these devices for the functioning of their limbs and organs. Traditional interference coordination efforts will be extremely difficult if not impossible. There is no way to determine the location of individuals with these medical implants. Moreover, it is impossible for an individual with an implant to know whether a device causing interference is nearby. We believe the Commission should weigh carefully the potential danger of using these frequencies for these types of medical implants.

MSTV fully understands the importance of this new technology, especially for returning soldiers who have defended our country. We look forward to working with the Commission on this important issue. Please feel free to contact me at (202) 966-1956 or ddonovan@mstv.org if you have any questions regarding this matter.

Sincerely,



David Donovan
President

Commission adopted a plan to transition the wireless telemetry devices to a new band. *See Amendment of Parts 2 and 95 of the Commission's Rules To Create a Wireless Medical Telemetry Service*, Report and Order, 15 FCC Rcd 11,206 (June 8, 2000).