

FreeWave Technologies, Inc.

1880 S. Flatiron Court, Suite F
Boulder, CO 80301

February 11, 2003

Federal Communications Commission
Office of Engineering and Technology
Laboratory Division
Equipment Authorization Branch
7435 Oakland Mills Road
Columbia, MD 21046

**Re: FreeWave Technologies, Inc. (Grantee Code: KNY)
FCC ID No. KNY-6231812519
Request for Class II Permissive Change
Model Number DGR09RMS**

Dear Sir or Madam:

FreeWave Technologies, Inc. ("FreeWave") requests a Class II Permissive Change to its equipment authorization (FCC ID No. KNY-6231812519) for its 900 MHz modular spread spectrum transmitter (Model No. DGR09RMS). The purpose of this request is to remove a condition on the grant that requires the modular transmitter to be installed only in devices manufactured by FreeWave.

On October 31, 2002, FreeWave received a grant of equipment authorization for the DGR09RMS modular transmitter from TUV America, Inc. ("TUV"), a Telecommunications Certification Body.¹ TUV approved the device under the Commission's procedures for limited modular approvals ("LMA") contained in Public Notice DA 00-1407.² Under these procedures, the manufacturer of a modular transmitter may obtain an LMA by committing that it either: (1) will install the module only in devices produced by a specific manufacturer, typically the grantee; or (2) can demonstrate that it will retain control over the final installation of the device such that compliance of the end product is assured.³

¹ See Grant of Equipment Authorization, FreeWave Technologies, Inc., FCC ID No. KNY-6231812519 (Oct. 31, 2002).

² See Part 15 Unlicensed Modular Approval, Public Notice, DA 00-1407 (June 26, 2000).

³ See *id.*

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FreeWave's transmitter initially was certified under the first of these alternatives. Now, however, FreeWave seeks to market the transmitter to third parties, consistent with the terms of the second alternative, and, therefore, the "FreeWave only" condition associated with FreeWave's grant is unnecessary.

FreeWave satisfies the requirements for the second alternative. The DGR09RMS spread spectrum transmitter is installed in a NEMA enclosure and professional installation of the antenna used with the device is required. The device is not sold to the general public and FreeWave's sales department personnel are instructed as to this restriction to ensure that no sales to the general public occur. In addition, FreeWave provides its customers with antenna installation instructions and transmitter operating conditions for satisfying RF exposure compliance. In sum, FreeWave exercises control over the distribution and final installation of the transmitter to ensure full compliance with the requirements for limited modular approvals set forth in Public Notice DA 00-1407.

Accordingly, FreeWave respectfully requests that the following condition be removed from its LMA grant (FCC ID No. KNY-6231812519):

"This device is only approved for use when installed in devices produced by the grantee."

Following the removal of this condition, the grant should read as follows:

"The antenna(s) to be used with this limited modular transmitter must be installed to provide a separation distance of at least 23 cm from all persons and must not be co-located or operating in conjunction with any other antenna or transmitter. This device must be installed in NEMA enclosures. End-user and installers must be provided with antenna installation and transmitter operating conditions for satisfying RF exposure compliance. Professional installation of this product is required."

In accordance with Section 2.1043(b)(2) of the Commission's rules, FreeWave confirms that the DGR09RMS radio transceiver will not be marketed with the changes requested herein prior to the grant of this request.

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Please direct any questions concerning this request to the undersigned or to counsel for FreeWave, Henry Goldberg, Esq., at (202) 429-4900.

Respectfully undersigned,

A handwritten signature in black ink, appearing to read 'Aleksey Pozhidaev', with a large, stylized flourish at the end.

Aleksey Pozhidaev

R&D Manager, FreeWave Technologies, Inc.

Phone: (303) 444-3862

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cc: Mr. Joseph Dichoso
Mr. Richard Fabina