

4/8/2009

Federal Communications Commission
Authorization and Evaluation Division
1435 Oakland Mills Road
Columbia, MD 21046

Re: FCC ID: OJB-SSIDU-365
Correspondence Reference Number: 37298
Form 731 Confirmation Number: EA704234

Mr. Stan Lyles,

The test report shows a desktop unit which cannot be treated as a "fixed" device. Please explain why you applied for the fixed limit for a mobile unit. The RF power limits for mobile device under Part 90.1321(c) are 40 mW/MHz EIRP. The test report shows this device exceeds the EIRP RF power limit for a mobile device. Please explain.

In response to correspondence 37298, Axxcelera offers the following explanation.

Axxcelera believes that the product evaluated and reported in MiCOM report AXXC08-A4 Rev A Axxcelera EID-CPE3410-C9 is indeed a fixed device, and was tested appropriately.

At the customer premise, the unit is professionally installed at a best reception indoor location, and requires house power to operate.

There is no battery in the unit. Operation is not possible when taken away from the power source. It is essentially tethered in place by the power cord. It is not a portable transmitting device.

Operation is dependent on the unit being registered to a fixed location Access Point in order to communicate.

This concept precludes any notion of a nomadic or mobile operation; since the indoor unit cannot operate when out of contact with the registered Access Point.

There is no handover capability present in the device to allow mobility or migration between access points.

Operation is identical to fixed location outdoor variants of this product, identified as FCCID: OJB-SSC7-365. The unit is simply re-packaged to an indoor suitable form factor.

47CFR Sec. 1.907 defines a mobile station as: A radio communication station capable of being moved and which ordinarily does move. The indoor unit in the present application is not a mobile device.

Thank you for your consideration. Regards,

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