March 3, 2003

Mr. Richard Fabina, Chief,
FCC Authorization Branch,
Columbia, MD 21045

Subject: FCC ID: CJ6DCE46036A; EA873846
CellPhone/PCS Model CDM-9500
-Request for Grant Set Aside for Correction/Revision of SAR Values

Dear Richard:

Our great thanks to you for accepting our request to set aside the Grant for the subject Phone for correction of the maximum Body SAR value
In addition to the Body SAR value, while in the set aside mode, we respectfully request That the maximum Head SAR be revised. The reason and rationale for this are as Follows:

Original Grant - 6/18/02
AMPS/CDMA Modes (Part 22) - Head SAR: 1.38 W/Kg
PCS/CDMA Modes (Part 24) - Head SAR: 1.25 W/Kg

Grant Reissued – 8/28/02
#1 C2PC - Application Date, 8/02/02 Comprised of:
>Metalized the front panel area of the cellphone
>Used production RF cables to set the conducted power (cable loss for 800 MHz=1.5 dB (no change); Cable loss for PCS=2.5dB
-SAR measurements were performed and submitted. Results were as follows:
AMPS/CDMA Modes (Part 22) - Head SAR: 1.33 W/Kg
PCS/CDMA Modes (Part22) - Head SAR: 1.35 W/Kg

Grant Reissued – 12/03/02
#2 C2PC - Application dated, 11/15/02 Comprised only of addition of new belt clip & leather case
For this application, only Body SAR measurement was made. But the Grant Was issued as follows:
AMPS/CDMA Modes (Part 22) - Head SAR: 1.38 W/Kg
PCS/CDMA Modes (Part 24) - Head SAR: 1.25 W/Kg

As you can see above, in this last permissive change grant, the highest AMPS/CDMA SAR value was indicated. This value, 1.38 W/Kg was measured on the original application for the very first CDM-9500 model. However, it was decided not to produce and sell this model and within 6 weeks of receipt of the grant, our factory submitted the modified model for testing at PC Test and an application was filed on Aug. 2nd. (#1 C2PC)
As noted above, the grant reissued for the #1 C2PC, specified a lower AMPS/CDMA Head SAR

value, thereby, making the PCS/CDMA head SAR the highest value, 1.35 W/Kg, which is the value we specified in the users manual, which we printed for the second version of the phone.

I can't stress to you strongly enough:
>we never produced or circulated any of the phones of the original design, (1.38 W/Kg.), therefore, none exist in the field
>we never printed any manuals for the first version of the phone. The decision to scrap the original phone design was made even before the grant was issued. And only manuals for the second version were ever printed and circulated. If necessary or needed, I will be glad to provide a signed affidavit in this regard.
>the manual currently in circulation correctly reflects the highest Head SAR value (1.35 W/Kg) for the only phone version that was ever and is currently available to the user.

Unfortunately, our factory was completely unaware that under a C2PC, the grant always reflects the highest value measured and as a result, specified the value they believed to be correct highest SAR value for the phone that would be manufactured and circulated and not for the obsolete one.

Given that no phones were ever produced with the SAR value 1.38 W/Kg. we respectfully and gratefully request that the grant be changed to reflect the actual highest value, 1. 35 W/Kg., as this is a very critical issue for us and it would be an incredible hardship for us to now amend all of the manuals that have been shipped, as requested.

We would be truly grateful for the your understanding of this situation and acceptance of our request. Thank you.

Best regards
Peter

PS. For complete accuracy, besides other values mentioned, the PCS/CDMA Head SAR should be revised to 1.35 W/Kg, instead of 1.25 W/Kg
And, the PCS Body Worn SAR should be .56 W/Kg instead of .35 W/Kg.