



TELECOMMUNICATIONS
INDUSTRY ASSOCIATION

HEADQUARTERS

2500 Wilson Boulevard
Suite 300
Arlington, VA 22201-3834
+1.703.907.7700

D.C. OFFICE

10 G Street, N.E., Suite
550 Washington, DC 20002
+1.202.346.3240 MAIN
+1.202.346.3241 FAX

tiaonline.org

By Electronic Delivery

July 6, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *Request by Progeny LMS, LLC for Waiver of Certain Multilateration Location and Monitoring Service Rules – WT Docket No. 11-49*

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's rules, the Telecommunications Industry Association ("TIA")¹ hereby submits this *ex parte* under the above-referenced docket. We wish to reiterate our concerns about the effect of the Commission's granting of Progeny LMS, LLC's ("Progeny") waiver request under WT Docket No. 11-49² on the devices that operate in the 902-928 MHz band on an unlicensed basis under Part 15 rules. We urge the Commission to take further measures to ensure that unlicensed operations in the M-LMS Band are protected from harmful interference from the other services that use this spectrum including commercial deployments of Progeny's proposed multilateration Location and Monitoring Service ("M-LMS") system. Any allowance by the Commission of Progeny's M-LMS system should be conditioned on further testing to safeguard Part 15 stakeholders from this harmful interference.

¹ TIA is the leading trade association for the information and communications technology ("ICT") industry, representing companies that manufacture or supply the products and services used in global communications across all technology platforms. TIA represents its members on the full range of policy issues affecting the ICT industry and forges consensus on industry standards. Among their numerous lines of business, TIA member companies design, produce, and deploy a variety of devices that operate in the 902-928 MHz band. These devices include cordless telephones, radio-frequency identification ("RFID") devices, utility load management and remote meter reading devices, telemetry and security devices such as alarm devices, vehicle tracking systems, traffic control systems, home security systems, medical devices, wireless speakers, intercom devices, wireless keypads and mouse controllers, baby monitors, video cameras, and network devices that provide wireless high-speed data and Internet-type services.

² See *Request by Progeny LMS, LLC for Waiver of Certain Multilateration Location and Monitoring Service Rules*, Order, 26 FCC Rcd 16878 (WTB, rel. Dec. 20, 2011) ("Progeny Waiver Grant").

As far back as May of 2006, in response to the Commission's initial considerations of changes or additions to rules contained in Part 90 of the its regulations governing the licensing and use of frequencies in the 904-909.75 and 919.75-928 MHz portions of the 902-928 MHz band,³ TIA has voiced concerns over whether modifying its regulations governing the licensing and operation of M-LMS systems will adversely impact the existing unlicensed Part 15 devices and systems using the band and would constrain the future development of innovative consumer and business applications.⁴ As TIA explained in its filing, low power devices are particularly vulnerable to interference and even the reduced power limits for M-LMS licensees contemplated in the 2006 NPRM would be likely to cause interference to the millions of unlicensed Part 15 devices already in the hands of consumers and utilized for many critical commercial applications.⁵ These concerns were echoed by other industry stakeholders.⁶

The Commission has since granted a waiver for Progeny that also required a further report demonstrating that Progeny's M-LMS system will not cause unacceptable levels of interference to Part 15 devices.⁷ We echo the numerous parties' concerns voiced on the record that the testing processes used to inform the the Progeny Waiver Grant request should be conducted in a balanced and transparent manner.⁸ Given the numerous

³ *Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands*, Notice of Proposed Rulemaking, 21 FCC Rcd 2809 (2006) ("2006 NPRM").

⁴ Comments of TIA, WT Docket No. 06-49 (filed May 30, 2006) ("TIA M-LMS Comments").

⁵ *Id.* at 8-9.

⁶ *See, e.g.*, Comments of the Consumer Electronics Association ("CEA"), *Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands*, WT Docket No. 06-49 (filed May 30, 2006).

⁷ Progeny Waiver Grant at ¶ 35.

⁸ *See, e.g.*, Letter from Julie M. Kearney, Vice President, Regulatory Affairs, CEA, WT Docket No. 11-49 (filed May 24, 2012); Letter from Henry Goldberg, Counsel to Itron, Inc., WT Docket No. 11-49 (filed May 1, 2012); Letter from Stephen E Coran, Counsel to the Wireless Internet Service Providers Association, WT Docket No. 11-49 (filed May 1, 2012); Letter from Brett Kilbourne, Vice President and Deputy General Counsel, Utilities Telecom Council, WT Docket No. 11-49 (filed May 3, 2012); Letter from Harold Feld, Legal Director, Public Knowledge, WT Docket No. 11-49 (filed May 7, 2012); Letter from Neil Gray, Director of Government Affairs, International Bridge, Tunnel and Turnpike Association, to Marlene H. Dortch, Secretary, FCC (filed April 5, 2012).

and diverse commenters on the record expressing concern, further testing may be required, along with assurances that the testing will be inclusive, fair, and balanced.

The Commission's protection of crucial Part 15 devices in this matter (and others involving future spectrum sharing technologies) will ensure the ability to provide reliable, continuous service to customers and add value to these uses that are widely relied upon. This, in turn, will encourage investment in new services, devices, and applications by offering heightened certainty from a regulatory perspective. TIA urges the Commission to proceed with caution as it makes its next steps regarding Progeny, and to ensure that unlicensed Part 15 uses are protected from harmful interference through clear, transparent, and adequate testing.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

By: /s/ Danielle Coffey

Danielle Coffey
Vice President & General Counsel, Government Affairs

Mark Uncapher
Director, Regulatory & Government Affairs

Brian Scarpelli
Manager, Government Affairs

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

10 G Street N.E.
Suite 550
Washington, D.C. 20002
(202) 346-3240

July 6, 2012