

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Helen Wong-Armijo	)	
	)	
FCR, Inc.	)	
	)	
Skybridge Spectrum Foundation and	)	WT Docket No. 16-385
Telesaurus Holdings GB LLC	)	
	)	
Requests for Multilateration Location and	)	
Monitoring Service Construction Extension	)	
	)	
And	)	
	)	
PCS Partners, L.P.	)	
	)	WT Docket No. 16-149
Petition for Waiver of 47 C.F.R. § 90.353(b)	)	
And Request for Extension of Time and for	)	
Expedited Treatment	)	

**CONSOLIDATED OPPOSITION OF INOVONICS WIRELESS CORPORATION  
TO PETITIONS FOR RECONSIDERATION  
AND APPLICATIONS FOR REVIEW**

Inovonics Wireless Corporation (“Inovonics”)<sup>1</sup> opposes the Petitions for Reconsideration and Applications for Review filed by various multilateration and location monitoring service (“M-LMS”) licensees (“M-LMS licensees”).<sup>2</sup> The M-LMS licensees fail to meet their burdens of

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<sup>1</sup> Inovonics, a subsidiary of Roper Technologies, Inc., manufactures radio devices for the 902-928 MHz unlicensed band. Inovonics serves three important markets – security, senior care, and water submetering. Inovonics’ products are used by local and federal government entities to protect public officials and buildings; by hospitals, school systems, banks, and movie theaters for security and emergency duress needs; and by seniors living in assisted living facilities to call for help, among other uses.

<sup>2</sup> Helen Wong-Armijo, Application for Review, WT Docket No. 16-385 (filed Dec. 20, 2017); FCR, Inc., Application for Review, WT Docket No. 16-385 (filed Dec. 20, 2017); Skybridge Spectrum Foundation and Telesaurus Holdings, Petition for Reconsideration, WT Docket No. 16-385 (filed Dec. 20, 2017); Request for Reconsideration of Warren Havens and

identifying material errors, omissions or new reasons why the Commission should reconsider the Orders issued in the above-captioned proceedings. They also do not identify new facts or arguments relating to new or changed circumstances. For these reasons, the Petitions should be dismissed.

## DISCUSSION

Inovonics has been a party to these proceedings, having filed in opposition to the M-LMS licensee waiver and extension requests that are the bases of the Wireless Telecommunications Bureau's ("Bureau") decisions to terminate the licenses at issue.<sup>3</sup> As Inovonics explained, these licenses were ripe for termination because, after almost twenty years, the M-LMS licensees still had not made use of their licenses and had no valid explanations for not putting their licenses into service.

For these reasons, the Bureau was correct in determining that there were no reasons to grant the requested waivers and extension requests, especially after giving multiple warnings to the M-LMS licensees that no additional time to build out systems would be granted.<sup>4</sup> In past decisions, the Bureau explicitly stated that "lack of available equipment [will not] be considered as a basis for a further extension;" that the Bureau "will not consider future requests for waiver

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Polaris PNT PBC, WT Docket No. 16-385 (filed Dec. 20, 2017); Petition for Reconsideration of PCS Partners, L.P., WT Docket No. 16-149 (filed Dec. 20, 2017) (collectively, the "Petitions").

<sup>3</sup> See *PCS Partners, L.P., Petition for Waiver of 47 C.F.R. § 90.353(b) and Request for Extension of Time and for Expedited Treatment*, Comments of Inovonics Wireless Corporation, WT Docket No. 16-149 (filed May. 24, 2016); *Helen Wong-Armijo, FCR, Inc., Skybridge Spectrum Foundation and Telesaurus Holdings GB LLC, Requests for Multilateration Location and Monitoring Service Construction Extension*, Comments of Inovonics Wireless Corporation, WT Docket No. 16-385 (filed Nov. 29, 2016).

<sup>4</sup> *Requests by FCR, Inc., Progeny LMS, LLC, PCS Partners, L.P. and Helen Wong-Armijo for Waiver and Limited Extension of Time*, Order, 29 FCC Rcd. 10361 (2014) (setting mid-term construction deadlines of September 4, 2016, and final construction deadlines of September 4, 2018.) This Order came after a 2008 order where the Bureau granted significant extensions of build-out requirements. *Id.* at ¶ 6.

or extension of either the interim or end-of-term construction deadline based on claims related to lack of equipment;” and that “it would be contrary to the public interest to grant extension requests in perpetuity where our build-out requirements have not been met.”<sup>5</sup>

As Inovonics has noted before, given the hundreds of millions of unlicensed devices deployed in the 902-928 MHz band, it is in the public interest for manufacturers and users of this equipment to have regulatory certainty with regard to potential band sharing with M-LMS licensees, and to put an end to the spectrum warehousing that has taken place.<sup>6</sup>

The Petitions here fall squarely within the Section 1.106(p) requirement for petitions that “plainly do not warrant consideration by the Commission” and should be dismissed or denied by the Bureau.<sup>7</sup> That is, the Petitions fail to identify any material errors, omissions, or reasons for reconsideration, and/or they rely on arguments that have been fully considered and rejected.

For instance, Skybridge Spectrum Foundation and Telesaurus Holdings GB LLC “(Skybridge”), which are in receivership, claim that because the receiver was appointed to her position ten months prior to the initial construction deadline, and was required to await FCC and court approval, she did not have adequate time to meet the deadline.<sup>8</sup> Skybridge also claims that legal hurdles created by Warren Havens prevented the receiver from finalizing a potential sale of one license.<sup>9</sup> These facts were already raised, considered and rejected by the Bureau. Moreover, the receiver presents no new evidence that she developed *any* type of business plan or in any way

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<sup>5</sup> *Id.* at ¶¶ 17-18.

<sup>6</sup> M-LMS licensees authorized within the 902-928 MHz band must demonstrate through actual field tests that their systems do not cause unacceptable levels of interference to unlicensed devices. 47 C.F.R. § 90.353(d). Therefore, the activation of any new M-LMS system in 902-920 MHz is a subject of concern for unlicensed users.

<sup>7</sup> 47 C.F.R. § 1.106(p).

<sup>8</sup> Skybridge Spectrum Foundation and Telesaurus Holdings, Petition for Reconsideration at 3-4.

<sup>9</sup> *Id.* at 5-7.

made a good faith effort to even start the build-out process *even at just one site*. For these reasons, the Skybridge Petition should be denied.

Similarly, the other M-LMS licensees do not provide any newly uncovered facts or legal arguments that would merit reconsideration of the Orders, and those Petitions must also be denied.<sup>10</sup>

### CONCLUSION

The Bureau correctly found that the M-LMS licensees had proffered no meaningful reasons for not putting their licenses to use and that it is in the public interest to terminate those licenses. The Bureau's decisions should stand.

Respectfully submitted,



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<sup>10</sup> See Helen Wong-Armijo, Application for Review (reiterating “no available equipment argument”); FCR, Inc., Application for Review (same); Petition for Reconsideration of PCS Partners, L.P. (challenging factual findings not material to warrant reconsideration).