

April 8, 2019

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Ex Parte Presentation, Request by Metrom Rail, LLC for Waiver of Sections 15.519(a) and 15.519(c) of the Commission's Rules, ET Docket No. 18-284.**

Dear Ms. Dortch,

Metrom Rail, LLC ("Metrom") respectfully provides this *ex parte* filing to reiterate its opposition to NCTA—The Internet & Television Association ("NCTA") and ACA Connects—America's Communications Association ("ACA"). NCTA and ACA have provided no new information to the record and have failed to consider information provided by Metrom that demonstrates that the proposed waiver would not raise new harmful interference to their operations. Instead, in their recent *ex parte*, NCTA and ACA merely restate their unsubstantiated concerns about potential interference to Fixed-Satellite Service ("FSS") earth stations without any technical data or information about these allegations. As Metrom has demonstrated with its engineering information provided to the Office of Engineering and Technology ("OET"), any interference concerns are misplaced and OET should expeditiously complete its review of the waiver and approve this request.

On April 2, 2019, NCTA and ACA filed an *ex parte* letter in the above-referenced docket.<sup>1</sup> NCTA and ACA allege that Metrom has not responded to their original, late-filed opposition to the Metrom waiver request. Based on this, NCTA and ACA ask that OET deny the Metrom waiver request unless additional technical analysis is filed and assert that OET cannot take action on the request without this information. Of note, NCTA and ACA did not address the technical information provided in the Metrom waiver request, reply comments, or further reply comments that validate that the minor alterations sought by Metrom would not increase any harmful interference effect for any licensed system.

Metrom has provided extensive technical data and information that demonstrates that its waiver request would not cause any additional interference concerns for any licensed parties, including FSS earth stations.<sup>2</sup> In large part, Metrom's technology will operate within the confines of underground subway tunnels, which will contain the signal and prevent it from reaching outside areas.<sup>3</sup> Additionally, operation of the directional antenna to be utilized by the Metrom technology has been ongoing under experimental licenses and there have been no

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<sup>1</sup> See *Ex Parte* Presentation of NCTA and ACA, ET Docket No. 18-284 (filed April 2, 2019).

<sup>2</sup> See *Metrom Rail, LLC Request for Waiver*, ET Docket No. 18-284 (filed Sept. 4, 2018) at

<sup>3</sup> *Id.* at 13.

reports of harmful interference.<sup>4</sup> Moreover, the directional antennas will be mounted close to the ground and aimed down transit tracks while operating only for short durations and only after receiving a signal from an approaching train.<sup>5</sup>

As noted in its reply comments and its further reply comments, the Metrom transmitted average power level will be similar to that allowed for Class B unintentional radiators and the RF energy will be directed along the railway with the use of a directional antenna, resulting in off-axis power levels that will be below the currently allowed limits for ultrawideband (“UWB”) handheld devices.<sup>6</sup> This means that the Metrom technology will comply with existing Part 15 limits—so, in effect, NCTA and ACA are arguing that the existing Part 15 limits would not protect FSS earth stations. If this argument were correct, FSS earth stations would be experiencing extensive harmful interference from the huge number of Part 15 devices in use today (such as Wi-Fi operations, cordless phones, computers, etc.), which is plainly not the case. In addition, the duty cycle of UWB transmissions limits the amount of time that any energy is delivered—further reducing any interference effects.<sup>7</sup> Finally, NCTA and ACA have not provided any technical information that demonstrates that the limited waiver suggested by Metrom (which simply provides flexibility in deployment without any significant interference increases) would have *any* effect on FSS earth stations.

In sum, it is clear that NCTA and ACA are simply seeking to block the ability of Metrom to deploy technology that would provide real and significant benefits to the safety of consumers utilizing public transit in New York, Boston, and Los Angeles. OET should reject this effort and move forward rapidly to allow this technology to be deployed to provide an accurate and cost-effective protection for metropolitan rail riders.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed in ECFS. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Richard Carlson Sr.

Chief Operating Officer  
Metrom Rail, LLC  
1125 Mitchell Court  
Crystal Lake, IL 60014

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<sup>4</sup> *Id.* at 17.

<sup>5</sup> *Id.* at 18.

<sup>6</sup> *See e.g.*, Metrom Further Reply Comments, ET Docket No. 18-284 (filed Dec. 3, 2018) at 4.

<sup>7</sup> *Id.* at 4-5.