

From: wchavens@aol.com
Sent: Monday, October 25, 2004 12:34 PM
To: Thomas.Derenge@fcc.gov
Cc: peter.tenhula@fcc.gov; rarsenau@fcc.gov; MCFarquhar@HHLAW.com;
jstobaugh@telesaurus.com
Subject: New filings, LMS extension, and RM-10403
Mr. Derenge,

Thank you for the recent status updates on below matters. I left you and Mr. Noel voicemails last week related to the these matters.

I will file this email in RM-10403. (The below matters will, however, be more fully covered in the filing noted next that will also be submitted in RM-10403.)

I will be filing within a few days, for purposes outlined below:

- A supplement to my pending LMS extension request applications.
- A filing in the "Progeny" docket, RM-10403.

I request a telephonic meeting with appropriate staff to go over the substance of these filings.

- Do you have time early next week?
- Can you suggest other staff persons for this purpose including key decions makers in above two matters?

Please consider these filings, and the telephonic meeting discussion, prior to decision on my pending extension applications.

I am concerned that my narrow request is being delayed by Progeny's unrelated broad request and FRC's unrelated request.

I am further concerned that FCC staff have not understood my positive views on current LMS rules which are sound, the need for LMS in the marketplace and related excellent opportunities, and existing solutions (in the rules, and per available technology) regarding band sharing with Part 15 operations, etc. All of these views are well founded and easy to confirm as such in Commission rulemaking on LMS and the marketplace.

I am concerned that, instead, FCC staff have absorbed a negative and inaccurate view of LMS by filings and repeated meetings of other these other LMS licensees, especially Progeny, who needs to be negative on LMS to get relief since they are not engaged in actual development (little or none demonstrated in their filings).

I strongly disagree with the Progeny for reasons I will further present in upcoming filings and meeting communications. (I have to some degree covered this in past filings in RM-10403.) Progeny should have sought relief only for its own licenses per any due diligence and plan it could demonstrate. I have made clear in RM-10403 that I do not want LMS rules changed.

I also will comment on the FRC request, principally, that I have nothing to do with FRC and vice versa (apart from occasional casual discussions), including with regard to equipment and business due diligence.

My additional filings will also provide an update, mostly in confidential filings, on my work to complete LMS technical and business developments. I and my companies have committed and largely already spent over a million dollars

additional since our meeting last summer on these matters. This and further progress is being increasingly dampened and jeopardized by matters noted above.

Sincerely,
Warren Havens