Denise Berger

From: Jimmy Stobaugh [jstobaugh@telesaurus.com]

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Sent: Tuesday, May 23, 2006 8:13 PM

To: Michael Rowan; WTBSecretary

Cc: fcc@bcpiweb.com; wchavens@aol.com; jstobaugh@telesaurus.com; jo@ftidc.com; Mike McMains; Mark Tauber; Mark Tauber; David G. Behenna; Bruce Fox

Subject: Request to Extend Pleading Cycle filed in WT Docket: 06-49

FCC, Office of the Secretary,
Michael Rowan, WTB,

Please see the attached "Request to Extend Pleading Cycle" filed today via ECFS by Telesaurus Holdings GB LLC in WT Docket #: 06-49.

A complimentary electronic copy is hereby being provided to the following parties cced on this email:

1) Mike McMains, counsel for Progeny LMS LLC
2) Janice Obuchowski, counsel for Progeny LMS LLC
3) Bruce Fox, owner of FCR, Inc.
4) David G. Behenna, owner of PCS Partners
5) Mark Tauber, counsel to PCS Partners

Sincerely,

Jimmy Stobaugh
Telesaurus Holdings GB LLC
Ph: 510-841-2220

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

In the Matter of	)	
	)	
Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands	)	WT Docket No. 06-49

Request to Extend Pleading Cycle
Regarding Notice of Proposed Rulemaking

Expedited Action Requested

Telesaurus Holdings GB LLC ("Telesaurus") holds the majority of the Location & Monitoring Service Multilateration ("LMS-M") A-block licenses in the nation.1 Telesaurus and affiliates are briefly described in Attachment 1 and footnote 1 hereto. For reasons given below, Telesaurus requests an extension of the pleading cycle in the Notice of Proposed Rulemaking captioned above released on March 7, 2006 (the "NPRM"). Currently, the Comments due date is May 30, 2006 and the Reply Comments due date is June 30, 2006.

Telesaurus requests an extended due date for Comments of Monday July 3, 2006 (a one month and one business day extension) and an extended due date for Reply Comments of August 17, 2006 (a two week extension of the Reply period) (the "Request").

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1 See Attachment 1 hereto for a summary of Telesaurus and its affiliates. These Telesaurus LMS-M licenses are for markets with approximately 80% of the nation. These licenses were previously held by Warren C. Havens. Mr. Havens assigned these licenses to Telesaurus earlier this year. Mr. Havens is the majority interest holder in and President of Telesaurus. Telesaurus has affiliates that are also majority owned and managed by Mr. Havens, Telesaurus VPC LLC ("TVL"), Intelligent Transportation & Monitoring Wireless LLC ("ITL"), and AMTS Consortium LLC ("ACL") (the "Telesaurus Affiliates"). Mr. Havens formed and developed TVL, ITL, and ACL in large part to support nationwide development of wide-area Intelligent Transportation System ("ITS") wireless based upon the Telesaurus LMS-M licenses. LMS, with DSRC are the two FCC-designated unique and much needed ITS radio services (47 CFR 90.350).

No party with interest would be prejudiced by grant of this Request. By numerous filings in RM-10403, Havens and Telesaurus opposed any NPRM of this nature especially in the clearly premature, speculative conditions that exist, as reflected in the NPRM. The NRPM tracks the Progeny2 position in this "terminated" RM-10403, even where the Progeny licenses future is up in the air (they are beyond the construction deadline and there has been no decision on the extension request). In any case, Progeny's position was repeated for years in RM-10403 including in dozens of ex parte meetings up to issuance of the NPRM. Unless and until its licenses are extended, and then unless it has something new to say, Progeny has no basis for asserting a need for speed in this NPRM. The other LMS-M licensees did not put forward before the Commission any serious request for rule changes in RM-10403 or otherwise,3 nor any evidence that they are doing anything with their LMS-M licenses. They also cannot assert any need for speed in this NPRM. In addition, the Commission clearly saw no need to move at more than glacial speed on the what is now the substance and speculation of the NPRM: these are virtually the same as the Progeny position in RM-10403 that languished for over three years and that was "terminated." Termination implies lack of merit or ripeness. Thus, while a mystery, the NPRM has provided no basis for any quick action.

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2 Progeny LMS LLC ("Progeny").

3 Bruce Fox sought an extension of his licenses (which was granted, outside of all Commission precedent) merely based on his asserted inability to do anything in the market regarding LMS-M developments toward construction and operation unless the larger license holders first moved on this. PCS Partners, after buying LMS-M licenses in 2001, requested their return for a refund (which was not granted), and thereafter did not provide any substance in RM-10403 filings as to its plans, due diligence, etc. Helen Wong has been fully silent. There are no other LMS-M geographic licensees. The grandfathered site-based licensees also have been silent, apart from turning back to the Commission for cancellation a number of station licenses in recent years, and applying for certain relocations.

Accordingly, since Telesaurus demonstrates below good cause for grant of the Request, since other LMS-M licensees cannot reasonably claim prejudice by such grant, since the NPRM gave no indication of need for prompt action (but suggested otherwise), since Part 15 interests have not requested the NPRM either or otherwise complained about LMS-M,4 the Request should be granted.

Telesaurus requests expedited response to the Request, so that, whether granted or not, Telesaurus knows how to proceed with Comments, and so that other parties intending to Comment also know of any new pleading cycle that may result from the Request.

Summary of Reasons for the Request

Telesaurus has and herein describes reasons for grant of the Request consistent with past Commission grants of similar extension requests for similar reasons, as summarized in Attachment 2 below. The Request is based upon the aggregate of the reasons. In sum:

(1) The LM S-M radio service is especially complex and poses complex solutions,5 and there is a voluminous record involved in LMS-M (both in RM-10403, upon which the NRPM appears based, and before RM-10403) that must be utilized for Comments in this NPRM proceeding, and additional time is required to do so. Also, there is an even larger, complex

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4 Indeed, few Part 15 equipment vendors and system operators inform their customers and prospects that 902-928 MHz is *not* an unlicensed "commons" band like 2.4 and 5 GHz unlicensed bands and that it will be affected by licensed LMS-M operations once deployed, and may also be used on priority basis by Federal entities. (E.g., see the public SEC filings of these companies, and their presentations in trade shows, some made public.) This public, sales position undercuts these Part 15 interests "private" complaints to the FCC whenever they believe LMS-M may be seeking relief that will promote its viability and curtail such Part 15 interests ill-conceived spectrum "rights."

5 As described below, it is the wide-area ITS radio service. ITS is complex. Also, it is within 902-928 MHz with a hierarchy of spectrum use, which substantially adds technical, regulatory, and other complexities. Further, as noted below, this NPRM is questionable and that adds major complexities to be addressed in the pleading cycles.

record regarding wireless ITS services that also must be properly summarized and referenced in Comments;6 Location service as required for LMS-M is also complex, and no one seriously involved in such has found any one method by itself, including GPS (or any E911 implementation), as reliable and accurate for wide-area (urban and beyond) continual location of vehicles, persons, and assets. The NPRM did not address any of these, except superficially the last one, yet they must be addressed for any fair assessment of LMS-M, and to protect Telesaurus's interests in maintaining its and the Commission's ITS focus of LMS-M.

(2) Telesaurus shares staff, facilities, key consultants, and certain core plans with the Telesaurus Affiliates (see footnote 1) and they have been engaged in FCC Auction 657 matters, numerous other FCC dockets,8 and license transfers and acquisitions,9 for their core business

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6 LMS (LMS-M, and "LMS-N" or Nonmultilateration LMS) with DSRC are the two FCC-designated unique and much needed ITS radio services (47 CFR 90.350). Inexplicably, the NPRM is devoid of recognition of ITS radio services, as intended by the Commission for LMS and supported by various Federal and private entities involved in ITS nationwide, including Havens, Telesaurus, and their affiliates. Nevertheless, there is no other wireless service, outside of public safety specific wireless, with as high public interest or with more inherent complexity. Telesaurus and Telesaurus Affiliates do not accept the NPRM's suggestions that ITS radio services should be disregarded, or LMS-M rules changed to allow diversion from ITS radio services

7 The 800 MHz Air-Ground auction. Telesaurus and its Affiliates, as noted above, are engaged in wide-area ITS radio services. Air-ground service to aircraft, as intended by Telesaurus and Affiliates, is one form of ITS radio service. Telesaurus and Affiliates desire to provide multi-modal ITS wireless, to all forms of transportation, land, water, rail, and air.

8 These involve dozens of Commission proceedings involving AMTS, 220 MHz, VPC, and MAS: licensing filings, some waiver requests, and some restricted proceedings.

9 Including acquisition by Warren Havens of the 127 220-MHz geographic licenses from the Estate of Net Radio Group to complement the Telesaurus Affiliates' AMTS (217-220 MHz) geographic licenses across the nation (assignment application now pending). This involved various undertakings before the Bankruptcy Court, competitive bidding, and assignment application to the FCC with a fee waiver request. To acquire these licenses, Havens paid sufficient sums to the Trustee to assure that the FCC, a creditor, would be mostly made whole. Also, a Telesaurus affiliate, AMTS Consortium LLC, which acquired a very wide area AMTS license from another party, Thomas Kurian, which has been contested by the party's ex wife, has

requirements and plans (see Attachment 1 for summary). Telesaurus and Affiliates have also been, in the last two months, and remain engaged with tax and corporate legal counsel in structuring a program whereby they can irrevocably donate and dedicate for permanent use certain major capacity on their nationwide FCC licensed spectrum for US public safety entities, first for emergency use (with portable repeaters and handheld radio caches) and later on the fixed networks using this spectrum. (They have described this intent in many past FCC filings and other public documents for years). This cannot be diverted from without substantial risk and inefficiencies. The critical endeavors noted in this paragraph have, since the NPRM was released, left insufficient time to prepare Comments of the substantial nature that are called for and needed to protect Telesaurus' interests, as outlined herein.

(3) Telesaurus and Telesaurus Affiliates need additional time to complete technical and market studies, with their engineering and other expert consultants, that are important to the complex issues raised in or called for in response to the NPRM, and to the interests of Telesaurus. As noted in item 1 above, these are complex matters.

(4) Telesaurus needs additional time to complete review of the status and future of DSRC, the sister ITS radio service of LMS (see footnote 1) for purposes of Comments.10 (As noted above and further below, Telesaurus and Affiliates plan to permanently dedicate certain spectrum use rights for public purposes. These include emergency wireless, core (most needed

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had to recently prepare a major filing (being filed tomorrow), and before that take related measures to sustain this acquisition.

10 Appropriate LMS-M, that retains all technical parameters of the current rules, combined with DRSC will provide major advantages for most all of the ITS radio service solutions identified by the Commission, US DOT, and the ITS industry. Havens and Telesaurus have been involved in DSRC since the first stakeholder meeting in DC conducted by ITS America and US DOT FHA. Among other matters, Telesaurus need to confirm and update its past determinations regarding integration of wide-area wireless and DSRC, and that LMS-M may be unique among wide-area wireless in the developed nations in terms of a radio service dedicated for wide-area ITS, and other related matters.

for public safety) ITS and including integration with core DRCS, and environmental monitoring.)

(5) Telesaurus needs to address in Comments its procedural and other legal objections to the NPRM as partially noted below. This will take additional legal advice and time.

(6) As noted above, Telesaurus recently obtained the LMS-M licenses formerly held by Warren Havens. Telesaurus needs additional time to coordinates its Comments and then Reply Comments with its interest holders, that include parties other than Havens, its Affiliates, and its potential new backers including its Affiliates.

(7) The NPRM was unexpected, as its own language suggests, by "terminating" the stale RM-10403 (then reincarnated in the NPRM no one asked for). Thus, prior to release of the NPRM, Telesaurus had not prepared for such a matter. Instead Telesaurus and its Affiliates had fully engaged their staff, consultants, and resources on positive developments for their licenses and plans as outlined herein. Shifting resources into this NPRM matter, and adjusting the other programs so affected, also takes time, and adds to the need for this Request.

Further Discussion of Reasons

A. LMS-M, as the wide-area ITS radio service in the United States,11 has a unique, highly valuable, practical, and bright future that no other radio service is designed to or intending to focus on. Telesaurus is making excellent progress in all of the elements needed, including technology and equipment, drawing from major international developments in ITS and ITS wireless, including certain ITS-focused 3G and 4G modulation, SDR, IP core, Telematics, multi-

11 See 47 CFR §90.350 and the extensive past rulemaking Orders in LMS-M, as well as the discussion of LMS-M in the rulemaking Orders concerning the other ITS radio service, DSRC.

mode location technology,12 and utilization of vehicles' orders-of-magnitude better platform for wireless than handheld radios (which is the prevailing dominant paradigm for advanced wireless).

Wide-area location-based ITS wireless should also be integrated with short-range ITS wireless, namely DSRC (and in some cases, certain 5.9 GHz public safety wireless). This is entirely feasible if planned appropriately, and politically practical as long and only as long as LMS-M remains dedicated to such ITS radio service under Commission rules and licensee commitment.13 These developments, as part of the much broader ITS development, are taking place worldwide in the needed timeframes. Components include various interrelated wireless location and communication technology and equipment, onboard land vehicle Telematics

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12 The Progeny position in RM-10403 and the similar NPRM's treatment of wireless location technology and service lack depth and practical meaning. Wireless location, still in its infancy, is specific to defined services. E911 is not close to the same service as fleet location or location of assets in a warehouse, or kids in an amusement park. In any case, LMS-M is meant for ITS specific location and related communication, and these involve particular forms of ongoing location of vehicles and assets in transport for critical purposes, from safety of life, to efficient traffic flows, to "Homeland Security" functions. No one location method is sufficient for an acceptable level of service for any major or mission-critical ITS wireless system. For example, it is well known and accepted that GPS has substantial errors, can be easily jammed and spoofed (tricked) even by simple easy-to-make devices (plans are on Internet), and is blocked in urban canyons and other situations. Terrestrial location (mostly, forms of "multilateration") is needed to augment GPS both to increase accuracy and to reduce chances of deliberate disablement of GSP. Other forms of location are also needed for the level of service planned for in ITS circles, including onboard inertial guidance, so that location even inside tunnels and buildings will continue. Further, increasingly location will be done on WLANS, and WLANS will be in homes, workplaces, and most visited public places. Thus, WLAN location and WWAN location must be integrated, and at least planned for. In sum, the suggestion in the NPRM, echoing that of Progeny in RM-10403, that terrestrial multilateration is no longer viable or needed, as if GPS and E911 solved the location problem, is ignorant and in error, especially when expressed in the context of mission-critical ITS wireless.

13 Telesaurus and its Affiliates will be pursuing this on a partly non-profit and not-for-profit basis, and they have stated for years in various FCC filings and other public releases. This will assume perpetual dedication of spectrum for wide-area ITS radio service for core ITS applications most central to public safety and pollution reduction, and for environmental monitoring.

equipment (and similar equipment for maritime, rail, and air transport vehicles), service software, international standards, interfaces with public safety and highway authority organizations, and many public-agency and private companies cooperative developments involved in regional, nationwide multi-modal ITS. Such ITS development will result in increasingly safe and efficient flow of land transportation, and also other modes of transportation, of persons and assets.

As the Commission wrote in LMS-M rulemaking, and as has been amplified in the ITS community worldwide, this is essential for (in the US alone) saving tens and thousand of lives a year, saving billions of dollars in lost workplace productivity resulting from traffic congestion, greatly curbing pollution, fulfilling or advancing core "Homeland Security" objectives (including enhanced highway flow management and relocation, and victim assistance, in major urban emergencies; enhanced tracking and security of container shipments within the US; and better spotting and tracking of suspects in major crises) and other high public interest goals.

The NPRM missed the above, as if LMS-M was (as Progeny wrongly asserted) a hopeless or "obviated" idea.[14] Apart from core public safety wireless, or even considering it,[15]

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14 The NPRM and Progeny (in RM-10403) completely miss this, and diverge into speculation on what "flexible" things someone may, someday, in some unexplained way, do with the LMS-M spectrum and how that may put a crimp into the rights that don't exist under law of unlicensed users and equipment sellers. This is all speculation, especially how such an undefined LMS-M may interact with indefinable Part 15. It cannot be determined apart from a full set of assumptions on both sides, complex computer modeling, and even then only actual tests will show much of value to rely upon. Even there, Part 15 use cannot be reliably determined—it is unlicensed, and there is no record of where the radios are being used. Only some Part 15 systems can be determined, if the system operators want to cooperate and do so honestly and objectively with full disclosure. That is far from certain, and not suggested in the record of LMS-M rulemaking to date. Part 15 use is for local purposes (or light use for longer range point-to-point, or point-to-multipoint) as the Commission often stated in the LMS rulemaking Orders. Proper LMS-M under Commission rules and intent focuses the spectrum on

the ITS radio services are as important and needed as any that the FCC has created and maintain. That ITS is a major international development that takes a lot of work and time (including the wireless components) and that FCC staff apparently have not (since the early LMS-M days) kept up on it, do no diminish this importance.

Telesaurus needs additional time to summarize these unique and important aspects of ITS wireless that LMS-M can fulfill and present them in this proceeding, especially where the NPRM was devoid of any mention of ITS radio service, the goal of LMS-M.

B. Broad regulatory "flexibility" as intended for general commercial radio services is inappropriate for radio services designed and licensed for specific high-public-interest purposes. These include not only services by public agencies, but also services by the commercial sector for high public interest purposes. LMS-M is unique, or among the special radio services, in that, while being licensed to private entities, it was designed and licensed for such high-public-interest purposes, namely, wide-area ITS location and communication systems. As the FCC Spectrum Task Force Report, November 2002, discussed, such high-public-interest purposes should be subject to Commission's maintenance of rules and standards to secure and protect the

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long-range links to vehicles on road, that is generally away from local use by Part 15 devices. For this, its power and time of use cannot be reduced, nor would reduction help Part 15, since that would cause shorter spacing of LMS-M network sites, likely resulting in generally more, not less, average power in the local areas of Part 15 use. Progeny and the NPRM are speculating on problems that don't exist now and do not have to arise. But the time to deal with them in any major Commission relief effort is after due diligence and proof of a problem and proposals for practical solutions.

15 Considering that the diverse public safety community does not have a history or structure to very effectively "interoperate" in wireless and other matters, radio services like LMS-M that in large part can fulfill goals of public safety entities in the US, some directly and many other indirectly, have increased importance as major augmenters to public-safety specific wireless. LMS-M licensees can, being private and nationwide (Telesaurus and Affiliates), can develop more quickly and over a wider area than particular public safety organizations. Telesaurus has plans for this in conjunction with certain Federal entities and NTIA OSM.

purposes.16 In LMS-M rulemaking, the Commission first defined and discussed its high public interest, ITS purposes. Then it decided to allow licensees to charge subscribers (any entity, including public agencies) to seek commercial profit, noting that allowing this should support pursuit of these high public interest goals. In other words, in LMS-M, the Commission appropriately set the ITS radio service goals, then decided that as a means to achieve these, it adopted "commercial" licensing for profit: thus, the LMS-M auctions. The NPRM is contrary to these appropriate Commission and Task Force priorities and goals.

Telesaurus needs additional time to properly present the matters, along with the other matters described herein.

C. In addition, the Telesaurus' plan for its competitive nationwide LMS-M service is unique due to the Telesaurus Affiliates' complementary nationwide FCC licensed spectrum in other bands, including the majority of the AMTS 217-220 MHz band nationwide (see Attachment 1).17 This additional spectrum will allow far more cost effective wide-area ITS wireless than by use of LMS-M spectrum alone.

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16 The Commission did not allocate LMS-M as another available or freed-up band for whatever the commercial market may want to pursue. There are plenty that have been allocated and auctions, and more on the way. Corporations and unregulated commerce, and their generally short-range vision, and their wild market swings, cannot be relied for core public purposes

17 Telesaurus and Affiliates have succeeded in their plans first described to the FCC and the wireless industry in 2000 to obtain 900 and 200 MHz in the majority of the nation for the purposes outlined herein. This has involved seven FCC spectrum auctions, as well as major post-auction acquisitions, that continue. They now hold 6 MHz of 900 MHz LMS-M (and several hundred complementary 900 MHz MAS geographic licenses), and 1-3 MHz of 200 MHz AMTS and 220 MHz. They hold this 900 and 200 MHz each in approximately 80% of the nation. Generally, where their geographic AMTS spectrum is encumbered by alleged site-based AMTS stations, they hold (unencumbered) LMS-M. The LMS-M will be used primarily in urban areas, and the AMTS primarily in rural areas where less spectrum but lower, longer-range propagation is highly valuable for Cap Ex and Op Ex savings, and for speed to deploy. The two bands are also better for the major emergency wireless services that Telesaurus and its Affiliates plan, noted herein.

Telesaurus needs additional time to present these capabilities and benefits, and why the NPRM's suggested changes will seriously damage them.

D. NPRM procedural and legality issues: Under LMS-M rules, including 47 CFR 90.350 (f), and associated Order decisions (as in part noted in the NPRM), the Commission decided that there must be at least two competing LMS-M licensed services in each licensed area.18 Under this rule, the A-block LMS-M licensee must be one of the competitors. Telesaurus, as Holder of the vast majority of the A-block LMS, thus stand as one of the LMS competitors in most of the nation. Telesaurus thus has a major stake in this NPRM, and no other entity can speak for it, since it is an independent entity from all other LMS licensees, and under FCC rules it must be a separate competitor. As the Bureau staff that put out this NPRM surely understand, Telesaurus could not have more loudly and clearly opposed the suggestions made in the NPRM and the idea of any broad LMS-M NPRM on such premature, speculative basis.

While the NPRM referenced the "Progeny" RM-10403 proceeding, the Bureau "terminated" that proceeding with no comment. Further, the Progeny LMS-M licenses' construction deadline has long since past, without construction, and it is not clear whether the Progeny licenses will be extended.19 However, after such termination, the NPRM essentially

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18 Contrary to suggestions in the NPRM, this was not related simply to provision of general location service; it was based on the Commission intention of LMS-M providing a complex array of ITS wide-area radio services, a unique radio service being developed worldwide. These are not the same as general mobile location service. The NPRM, as well as the Progeny position in the "terminated" yet effectively adopted RM-10403, is devoid of any understanding of ITS and ITS radio services, including the sort of continual location functions involved.

19 The Progeny extension request is contested by Telesaurus and Havens, including on the basis that Progeny did not demonstrate any due diligence (under Commission precedent) to attempt to meet the construction requirement nor to even conceive of the core LMS-M "multilateration" requirement in its alleged but undocumented periodic phone surveys of equipment vendors. It is questionable how the Bureau possibly saw fit in the NPRM to base its suggestions squarely upon the Progeny position in the "terminated" RM-10403 (including years,

adopted the Progeny position in RM-10403, and fully ignored the clear position of Havens (now Telesaurus) in RM-10403, which was presented upon invitation of the Bureau when opening RM-10403. Telesaurus does not believe this process complied with due process including under the Administrative Procedures Act and Commission Rules. For this reason and others noted herein, Telesaurus must question the intent of the Bureau in said termination.20

Telesaurus needs additional time to properly address these procedural and other legal problems with the NPRM.

[Execution on next page.]

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dozens, of Progeny ex parte presentations not properly disclosed) unless the NPRM was created to support an extension of the Progeny licenses, which would be improper. Further objectionable is that this NPRM entirely avoid both the ITS purpose and history of LMS rulemaking, and the strongly opposing position in RM-10403 by Havens and Telesaurus whose LMS licenses remained viable, who supported the Commission's intent for ITS radio service, and who were and are in fact diligently pursuing it.

20 The NPRM is alarming to Telesaurus, as it is both procedurally and substantively highly objectionable, damaging, unfair, and anticompetitive. As proposed, Telesaurus believes the NPRM's suggested changes would be unconstitutional taking, including the major reduction in power and time of use. (FCC Licenses are intangible property consisting of the rights under them, including the core technical allowances and protections from other, secondary users: Cutting these back is taking of property, and the NPRM provides no hint of why such taking is needed for any public interest purpose.) As Havens and Telesaurus stated in filings in RM-10403, they believe (i) any LMS-M NPRM based on the Progeny ideas (unneeded "flexibility" in exchange for damaging loss of core technical parameters) will be highly damaging to the LMS-M service and ITS in the US it is meant to serve, (ii) any NPRM, or licensee specific relief, that is not founded on a clear presentation by LMS-M licensees of their plans, technology, field trials, interaction with Part 15, protection of Federal priority rights, and other basic definitions and demonstrations, is a speculative waste of time, and will divert efforts and stunt progress toward viable LMS-M., (iii) such NPRM will also result in numerous wasteful filings and ex parte meetings by Part 15 interests based on their ill-perceived "right" to the spectrum and the lack, as just noted, of sufficient LMS-M details for any party to do more than superficially cheer or complain about, and (iv) LMS-M is competitive: the spectrum-cap rules require this. It is entirely inappropriate for one competitor (Progeny) and its apparent Bureau supporters, to force a rule-change proceeding on the other major competitor, Telesaurus. Progeny can seek whatever relief it needs for its own concept of LMS-M under rule waivers, if it has any basis for it, and if its licenses are extended based on its performance prior to its license deadline and apart from the much later NPRM.

Conclusion

For the above reasons, this Request to extend the pleading cycle should be promptly granted. Telesaurus request that the Bureau inform Telesaurus by email of its decision, to the two emails listed below.

Respectfully,

[Electronically submitted. Signature on file.]

Warren Havens
President,
Telesaurus Holdings GB LLC

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May 23, 2006

Attachment 1

IATT Tech JV
Telesaurus VPC LLC
AMTS Consortium LLC
Telesaurus Holdings GB LLC
Intelligent Transportation & Monitoring Wireless LLC

Warren Havens, President
Jimmy Stobaugh, General Manager
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January 2006

Warren Havens and these four LLC's hold 7 to 8+ MHz of FCC geographic-licensed spectrum in most of the US for private mobile radio and location services, including for licensed-spectrum 802.16e and mobile broadcast applications focused on wide-area wireless for Intelligent Transportation Systems.

This includes 6 MHz in the 900 MHz Location and Monitoring Service ("LMS") band (904-909.75 and 927.75-928 MHz) in 80% of the nation, 1-2 MHz in the "AMTS" band (217-218, and 219-220 MHz) in 85% of the nation (and a second, adjacent MHz in some Western parts), 350 kHz of "VPC" spectrum (157/162 MHz) covering a number of Western States and Eastern California, up to 1 MHz of geographic 220-222 MHz licenses in much of the nation, and from 5 to 24 narrowband frequency pairs of "MAS" 900 MHz spectrum in many major and secondary markets in the nation (this may be combined with the 900 MHz LMS noted above to yield 28-46 12.5 kHz channels). Coverage maps and other information available.

The focus of these Companies is providing long-term spectrum and related system solutions for private wireless throughout the nation, including for enhanced major public safety and critical infrastructure wide-area projects, as well as for special situations and environments. To fund this long-term business, some of this spectrum is being sold or leased long term, from time to time.

The Companies are privately held, internally funded, focused on private-wireless business projects, and do not use any public marketing or website. Information appropriate for a prospective business relation can be provided under a mutual nondisclosure agreement. All licenses noted above are listed on the FCC's website's ULS database.

Mr. Havens is the President and majority owner of the Companies. Jimmy Stobaugh is General Manager. The Companies are operated from Mr. Havens' offices in Berkeley California. Mr. Havens has been involved in FCC licensing and wireless business since the late 1980's and previously was a founder and co-owner of a CellularOne service provider. He is also involved in nonprofit philanthropic projects including for nationwide wireless environmental monitoring.

Consultants include several former FCC Bureau Chiefs, SAIC Wireless Group, San Diego, and experienced wireless engineers. The companies' IATT Joint Venture is funding certain technology, product development, and testing via their consultants, including in integrated 802.16e, location, and broadcast technologies.

The Companies' long-term goals include use of their LMS 900 MHz spectrum and AMTS 200 MHz spectrum, in conjunction with adjacent spectrum used by Federal entities, including DHS, DOT, and

USCG, for a new nationwide mission-critical PMRS service that provides narrow and wide channels for PTT voice, IP data up to 1,000+ kbs, integrated location (terrestrial, GPS, and inertial guidance methods), telemetry, and interactive digital broadcast. Regional networks would be planned and pursued in this service, and eventually connected nationwide.

Also planned is ad hoc mesh networking capability, and integration with P25, 4.9 GHz, and 5.9 GHz ITS. Typically, dual 900 / 200 MHz would be used: the 900 MHz principally in urban and higher traffic areas, and the 200 MHz mostly in rural areas.

Principal contributors to these public-private regional networks would be the Companies and the noted Federal entities for spectrum, equipment companies for systems equipment, an integrator such as SAIC, San Diego (currently advising Telesaurus), for planning and execution, and utilities and rail for most of the system infrastructure (radio sites, links, etc.).

Principal core endusers of the systems, each on VPN basis, would be utilities and other critical infrastructure and transportation entities State and local public safety entities, and some Federal entities. Applications would include wide-area ITS-specific applications, with integration with ITS 5.9 GHz DSRC.

Public safety entities involved would have priority and preemption on the networks in emergencies, in addition to their day-to-day VPN use. Prior to build out of the networks and continuing thereafter, public safety entities would also have access to the spectrum for emergencies using caches of portable-repeaters and associated two-way radios.

The Public Safety VPN use would be on a subsidized low-cost basis, including due to the NTIA-DHS contributions made for their benefit, as well as tax deductions the Companies would obtain for certain contributions at no or below market cost.

One design goal of the systems and the venture is to qualify for substantial Federal funding to keep the costs low to Public Safety and certain Critical Infrastructure.

The networks would be initially built, or later enhanced, to provide substantial additional capacity to serve other entities with large vehicle fleets and mobile workforces.

Once built out, the networks would support on a nonprofit basis, very wide area environmental monitoring for protection, forecasting, warnings in emergencies, etc.

To date the Companies have completed, in the plan noted above: securing the described licensed spectrum foundation, due diligence in assessing the described markets and technologies, certain product development, the closing of and funding from transactions with major governmental and utility entities covering substantial parts of the nation to self-fund the above ongoing work, and substantial discussions with the principal Federal land and water governance agencies regarding shared spectrum, systems, and goals. We also maintain related businesses for current income.

More information may be provided under a nondisclosure agreement.

Attachment 2

Proceeding	Division / Bureau	Requesting Party	NPRM Release Date	NPRM Comment Deadline	Date Extension Request Filed	Length of Extension Requested	Rationale	Commission Action
Reexaminati on of Roaming Obligations (WT 05-265)	WTB	Joint request by a number of carriers and trade associations	8/31/2005	12/27/2005 21/	12/5/2005	1 month	Voluminous record; holidays	Granted 1 month extension.
Promotion of Competitive Networks in Local Telecommun ications Markets (DA 99-950)	Commerci al Wireless Division / WTB	Real Access Alliance	10/25/200 0	12/22/2000	11/21/2000	1 month	Time to coordinate with members; allowance for intervening holidays	Granted 1 month extension.
Calling Party Pays Service Offering in the CMRS (WT 97-207)	Policy Division / WTB	Personal Communicatio ns Industry Association	7/7/1999	8/18/1999	8/2/1999	6 weeks	Relevant studies being conducted will take longer to complete than the timeline allows	Granted 1 month extension.
Promotion of Spectrum Efficient Technologies on Certain	Auctions and Industry Analysis Division /	Land Mobile Communicatio ns Council	3/25/1999	7/2/1999	5/12/1999	2 months	Complexity of case; intersection of two separate orders; large number of questions raised	Granted 2 month extension. 22/

21/ This extension request related to the reply comments schedule only.

22/ "It is the policy of the Commission that extensions of time are not routinely granted." *See* 47 C.F.R. § 1.46(a).

Part 90 Frequencies (DA-950)	WTB							
Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico (DA 97-1143)	Commercial Wireless Division / WTB	Petroleum Communications, Inc.	4/16/1997	6/2/1997	5/22/1997	1 month	Complexity of record (commenters must review proposed facilities in 33 MSAs and RSAs along hundreds of miles of coastline); complex propagation formulas must be used to define existing service areas and compile relevant data	Granted 1 month extension.
Non Wireless Telecommunications Bureau Cases								
Closed Captioning of Video Programming (DA-2974)	Consumer & Governmental Affairs	NAB	7/21/2005	11/25/2005 (reply comments)	11/15/2005	3 weeks	Large number of comments filed in docket complicated analysis	Granted 3 week extension.
Ancillary or Supplementary use of digital TV capacity by noncommercial licensees (DA 99-255)	Mass Media	Assoc. of America's Public Television Stations	11/23/1998	1/28/1999	1/27/1999	~3 weeks	Specific information relevant to the proceedings won't be available until shortly after the deadline	Granted 3 week extension.
Access	Common	Multiple	12/24/1996	1/27/1997	1/15/1997	Varied; 1-2	Complexity of	Granted 2 day

Charge Reform	Carrier	parties.				weeks,	NPRM, number of issues, and relationship to other on-going proceedings	extension.
Price Cap Performance Review for LECs (DA 95-2361) (LEC Pricing NPRM)	Common Carrier	Multiple parties.	9/1995	11/20/1995	10/31/1995	Varied; 3 weeks - 3 months	Complexity of issues; Commission granted on the grounds that the issues are important and that extension is needed to allow all parties to comment.	Granted 3 week extension