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July 26, 2006

ELECTRONIC SUBMISSION

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 06-49
Ex Parte

Dear Ms. Dortch:

This is to inform you that, on Tuesday, July 25, 2006, in connection with the above-referenced docket, Russell Fairbanks, Senior Vice President and General Counsel of Itron, Inc., and Jay Holcomb, Director of Research and Development of Itron, Inc., and Mitchell Lazarus of Fletcher Heald & Hildreth, PLC, and the undersigned, on behalf of the Part 15 Coalition, met with Barry Ohlson, Senior Legal Advisor to Commissioner Jonathan Adelstein. The purpose of the meeting was to discuss the Commission's NPRM on possible changes to the M-LMS rules and the ramifications on unlicensed Part 15 devices operating in the 902-928 MHz band. A copy of the presentation that was provided is attached hereto.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

Henry Goldberg

Henry Goldberg
Attorney for Part 15

cc: Barry Ohlson

Amendment of the Part 90 Rules in the 902-928 MHz Band (LMS)

(WT Docket No. 06-49)

Part 15 Coalition

July 25-26, 2006

Part 15 Coalition Participants

- American Water Works Association
- American Petroleum Institute
- Association of American Railroads
- Boston Scientific, Inc.
- Cellnet Technology, Inc.
- Datamatic, Ltd.
- Elster Electricity, LLC
- Freescale Semiconductor, Inc.
- FreeWave Technologies, Inc.
- Intellflex Corporation
- Itron, Inc.
- Motorola
- Plexus Research, Inc.
- Symbol Technologies, Inc.
- United Telecom Council
- Vocollect, Inc.
- Zebra Technologies Corp.

Other Part 15 Parties

- Bay State Gas Co.
- Boston WiFi
- Champaign-Urbana Community Wireless Network
- Charlotte Mecklenburg Utilities
- City of Richmond, Department of Public Utilities
- Consumer Electronics Association
- Duquesne Light Company
- IEEE 802.18 Radio Regulatory Technical Advisory Group
- Mt. Vernon Net, Inc.
- New America Foundation, et al. (13 public interest groups)
- North Shore Gas Co.
- NYCWireless
- The Peoples Gas Light and Coke Company
- Philadelphia Water Department
- Piedmont Natural Gas
- Progress Energy
- Semco Energy, Inc.
- Silver Spring Networks, Inc.
- Southern Company Services, Inc.
- Southern Connecticut Gas
- Tampa Electric
- Telecommunications Industry Association
- TriSquare Communications, Inc.
- Wave Wireless Corp.
- Wireless Internet Service Providers Association

Present Uses of 902-928 MHz

- ISM devices (industrial, scientific, and medical) – unlimited power
- Amateur radio – 1,500 watts (secondary)
- Location and Monitoring Service (LMS) – 49 watts
- Federal radar – unknown power
- Federal fixed and mobile – unknown power (secondary)
- Part 15 (unlicensed devices) – 0.001-4 watts
  - meter reading, RFID, home security, industrial remote controls, cordless phones, medical devices, home audio and video, many more.

(Power ratings are not directly comparable.)

Success of Part 15 at 902-928 MHz

- Billions of dollars, hundreds of millions of devices
- Consumer market: vast numbers of products for entertainment and convenience
- Commercial/industrial (examples):
  - automatic meter reading (60 million in use)
  - electric, natural gas, other utilities: mission critical SCADA (supervisory control and data acquisition), control of switching equipment, managing power grids
  - rail -- cargo management; internal communications
  - RFID (electronic labeling)
  - remote controls – cranes, etc.

Failure of Multilateration LMS

- Original goal: to monitor location of fleet vehicles
- Timetable:
  - February 1995 – service authorized
  - March 1999 – first M-LMS auction
  - May 2000 – GPS accuracy improved
  - June 2001 – second M-LMS auction
- Auctioned M-LMS systems in use: none.

Progeny Request

- "Flexibility to offer whatever services the market can support and demand"
  - references to "Enhanced Position Location"; no specifics
- Purpose of request for new rules:
  - ***not*** to meet some urgent and identified public need
  - primarily to recoup an improvident investment
- Progeny claims new rules are needed to use the band efficiently
  - nonsense: this is among the most densely used bands anywhere in the spectrum.

Part 15 Coalition Response

- The current rules strike an appropriate balance between Part 15 and M-LMS
  - Progeny offers no persuasive reason for change
  - the present balance should be maintained
- The Part 15 Coalition does not oppose expanding M-LMS services
- We object only to increased interference to Part 15.

Progeny Interference Studies Are Wrong

- Progeny argues that 49-watt M-LMS will not interfere with Part 15 at far lower power
- Some of Progeny's errors:
  - analyzes only wireless LANs, Ricochet, automatic meter readers, cordless telephones – and gets them all wrong
    - neglects (for example): home security, consumer audio, RFID, industrial controls, SCADA, more
  - makes unrealistic assumptions (*e.g.*, every home has maximum-power Part 15 on a rooftop 500 feet away)
  - ignores the very low power of most Part 15.

The FCC Should Suspend the Proceeding

- Progeny still has not said what services it wants to provide
- M-LMS technical rules should depend in part on needed range, data rate, building penetration, reliability, etc.
  - these depend on the unknown services to be offered
- Interference into Part 15 factors is also unknown:
  - M-LMS power levels
  - numbers and density of units
  - percentage of "on" time
  - locations (height above ground, indoor/outdoor)
- **The FCC should suspend the proceeding until Progeny is specific about its requests.**

“Safe Harbor” for Part 15

- Part 15 that meets certain conditions (power, antenna, etc.) is deemed not to interfere with LMS
- Manufacturers and users rely on this “safe harbor” in investing in the design, manufacture, deployment
- Progeny seeks to abolish the rule going forward and impose substantial new costs on consumers of Part 15 devices and services
  - but offers no change in circumstances or other justification that warrants a change to the rule.

Interference Testing Requirement

- Needed to prevent interference not only in the lab, but in the real world
- Progeny complain there has been no testing in 10 years
  - but M-LMS has no equipment to test!
  - Part 15 will test when M-LMS is ready
- Progeny presents no reason to revisit the requirement.

Conclusion

- The Commission should respect the great public interest in successful Part 15 operation
- Any new M-LMS rules should protect Part 15 from increased interference
- Progeny has not given any technical or service information that would enable the Commission to craft intelligent rules
- The Commission should hold the proceeding in abeyance pending a showing of basic technical and service details from Progeny.

Thank you!

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