

Telesaurus Holdings GB LLC

& Affiliates

Warren Havens

AMTS Consortium LLC

Intelligent Transportation & Monitoring Wireless LLC

LMS 900 + 200 MHz, Nationwide ITS Wireless, Public- Nonprofit- Private

ECFS Filing in LMS NPRM, Docket 06-49

Warren Havens, President of the above-listed LLC's ("Telesaurus & Affiliates"), and Michele Farquhar of Hogan & Hartson LLP, counsel to these LLC's, had meetings with various FCC staff in July and August of 2006, as described in the last two Notices of Ex Parte Presentations filed by Telesaurus & Affiliates in this docket. In these meeting, they presented an earlier, more abbreviated form of the attached list of parties who presented comments and replies in this proceeding.

While the attached (and the earlier version noted above) adds no information not already contained in Telesaurus & Affiliates' filings in this docket or evidenced by a review of all parties filings in the docket, Telesaurus & Affiliates hereby file the attached on ECFS as it is useful to show the parties for and against the proposals in the subject NPRM.

Further Comment:

It is Futile to Grant-- or Even Consider--Relief When No Specific New Service & Equipment Is Proposed and its Success Reasonably Shown

Progeny, in all its filings to date in RM-10403 and in this resultant NPRM, failed to express any specific idea of what service, technology, equipment, and systems it believes it could succeed with if it were to be granted the "flexibility" it seeks.¹

It is futile to grant, and wasteful to even be considering, any relief when the object of the relief is not clearly proposed, and where the requesting party has not even begun to demonstrate that if relief was granted, it has at least a fair chance to succeed. That requires identification of the above-noted specifics, a showing why such specifics cannot be pursued under current rules, and how if pursued under "flexibility" success should obtain.

Progeny utterly failed in this, as have the other LMS-M licensee supporters of Progeny. All simply chose to do nothing to develop their licenses.

This NPRM was based in large part on Progeny's bald assertion that it telephoned a "who's who" of equipment vendors but they declined to make equipment for the LMS-M service

¹ In addition, for Progeny to speak as if it represents all LMS-M, or even knows what it is about, it contradicted by the record. Progeny speaks only for itself and its undisclosed interests. It cannot assert a public interest in generalities.

under current rules that Progeny, at the same time, called “obviated and non-viable. (Not a compelling business-case presentation to your vendors.)² Progeny should have proved, but did not, that if it obtains the flexibility it seeks, at least some of the vendors it claimed to have diligently pursued stand ready to produce the needed equipment for success.

There exists excellent International-standards-based equipment as the basis for LMS-M. This equipment and the wide-area ITS services it can provide are also subject of major market studies, including by the equipment vendors and standards bodies involved, that support the need for and likely success of the wide-area ITS services LMS-M can provide, and that are not being provided by the major wireless carriers currently or as planned. These are publicly available (most for free) and are indicated in the above-entities filings in this docket.

Either Progeny and its supporters failed at fundamental due diligence--or pretend not to know of such equipment, services, and studies--or both.

In any case, the NPRM, founded on Progeny’s false assertions, and pursued by Progeny and its supporters with out any specificity, lacks any reasonable foundation in the public interest.

The NPRM itself, casting aside all comments but Progeny’s from RM-10403, is seriously damaging Telesaurus & Affiliates ongoing efforts at exactly what the Commission specified for LMS-M--wide area ITS services--since it proposes to gut LMS-M of its technical foundation (including drastic power reduction), and allow about half of the entire service loose on non-specific wild goose chases; more likely, to just sell the “flexible” licenses to buyers who will forego the much-needed ITS services to seek a quicker buck.

None of this is in 47 USC “public interest” as interpreted by Congress and the US Supreme Court. The NPRM should be terminated soon, or its proposals rejected in an expeditious decision.

Respectfully,
[Filed electronically on ECFS. Signature on file.]
Warren Havens
September 12, 2006

² Even that assertion is specious. That assertion was made by Progeny to obtain an extension of its construction milestone. There are only a small number of equipment vendors that make location equipment with multilateration techniques: the major “who’s who” do not. The only construction requirement for LMS-M is multilateration location service, not any communication. Regarding communication equipment, most major vendors (Progeny’s “who’s who”) make equipment in or near the LMS-M bands, but any new product requires at least adaptation of existing products. That requires convincing the vendors to make the adapted product by payment of cash, a convincing business plan, other commitments, etc.—not calling the market for the equipment being sought obviated and non-viable.

Attachment

**FCC's Location and Monitoring Service (LMS-M) NPRM,
WT Docket No. 06-49, Comments and Replies filed**

Parties Supporting Progeny Position / Some NPRM Proposals

LMS Licensees:

Progeny LMS, LLC

(Holds most all of the 5.75-MHz C block, & the 2.25-MHz B block (shared with thousands of Non-multilateration stations) in nation: its licenses extended just prior to NPRM on Progeny assertion that, on their own, equipment vendors declined to make equipment for LMS-M service that at the same time Progeny called "obviated" and not viable in Rulemaking RM-10403: leading to the LMS-M NPRM.

Helen Wong-Armijo (minority quantity of LMS-M)

FCR, Inc. (" " ")

PCS Partners, L.P. (" " ")

Parties Seeking No Change (including retaining Part 15 "safe harbor")

LMS A-block Licensees:

Telesaurus Holdings GB LLC and Affiliate LLCs

(Holds 80% of the 6-MHz A block in nation; & 80% of plurality of 217-222 MHz (AMTS, 220 MHz) in nation obtained to support its LMS-M-based ITS wireless in rural US, and for redundancy. WTB accepted Telesaurus' due diligence showing in 2004 for ITS-based LMS-M that the NPRM proposals would entirely undermine.)

Teletrac, Inc.

(Supports status quo for its grandfathered site-based A-block licensees in a small percentage of US major markets.)

Part 15 Users and Manufacturers
in the "Part 15 Coalition":

AmericanWaterWorks 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.

(Continued)

Telesaurus & Affiliates. Further Comments. Docket 06-49.

Attachment, continued

Part 15 Equipment Manufacturers:
& related (some in Coalition also)

Telecommunications Industry Association
Consumer Electronics Association
IEEE 802.18 Radio Regulatory Technical Advisory Group
Motorola, Inc.
Itron, Inc.
Silver Spring Networks, Inc.
FreeWave Technologies, Inc.
Wave Wireless Corporation
Cellnet Technology, Inc.
TriSquare Communications

Wireless Internet Providers:

WISPA (Coalition of Wireless Internet Service Providers)
Champaign-Urbana Community Wireless Network
Mt. Vernon.Net, Inc.
Laura Forlano (NYC wireless)
Michael Oh (Boston public WiFi network)

Public Utilities / Related Parties:

United Telecom Council
Southern Company Services, Inc.
American Water Works Association
Southern Connecticut Gas
Tampa Electric Company
Progress Energy (Florida and Carolinas)
Richmond, Virginia Department of Public Utilities
Piedmont Natural Gas Company, Inc.
The Peoples Gas Light and Coke Company
North Shore Gas Company
SEMCO Energy, Inc.
Charlotte Mecklenburg Utilities
Bay State Gas Company
Philadelphia Gas Works
Duquesne Light Company
Philadelphia Water Department

Others:

New America Foundation *et al*
(support greater Part 15 rights, terminate LMS licenses)
(badly misconstrues Telesaurus & Associates' position)
ARRL (The National Association for Amateur Radio)

Alarm Industry Communications Committee
(neutral on some proposals)

Members of public:
Pareja, Ryu, Atkinson, Owens, Pittman, Falco, Conrad