

Subj: Docket 06-49: LMS-M NPRM - ex parte presentation
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Docket 06-49: LMS-M NPRM

From:
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Mr. D'Ari, Mr. Knapp:

Please acknowledge receipt of this email. I will file a copy of this email in the docket via ECFS as an ex-parte presentation.

This follows up on my email and ex parte filing to you, Mr. D'Ari and Mr. Scime of January 24, 2006. After sending it, I found that Mr. Scime was no longer at OET, and thus I am copying Mr. Knapp on this email.

Please forward this to the WTB and OET staff that are working on this docket. If you have a role in deciding on the NPRM, then please review this along with my past filings.

My written comments submitted to the FCC in this matter--since soon after I meet with Mr. Knapp (soon after RM-10403, that lead to this NPRM, was commenced years ago)--is consistent with the advice I obtained of Mr. Knapp and staff. After that meeting, I reconsidered my initial position and completed research with consultants, and thereafter all my LLCs filings in this matter have opposed any rule changed. In addition, our filings describe how the current rules encourage LMS-M system transmissions to be substantially separated in space and time from Part 15 systems, and in addition, why LMS-M systems should handoff to WLANs when vehicles using LMS-M move from major roadways to areas of more dense buildings where DSRC 5.9 GHZ, 4.9 GHZ, and unlicensed WLANs are better solutions.

1. Progeny's ideas, finally revealed, requires no rule changes.

This NPRM proceeding is based upon Progeny's claims. Progeny claims it must invent new alternative uses of LMS-M other than the wide-area ITS wireless the Commission specified for LMS-M. Progeny has never described the alternatives except by jargon such as “flexible” “homeland security” “advanced” and so forth.

Progeny's current and most specific idea since the NPRM was released is not new at all. Progeny has asked Purdue University to study how LMS-M may be used (1) for public safety (PMRS) applications and (2) to supplement GPS in areas GPS does not work well such as indoors.[*] None of those ideas are not new to the industry nor to LMS-M: Progeny could have pursued them on day one after winning the licenses under the current LMS-M rules.

Rather, directly contradicting its current ideas, to obtain the NPRM (and get a construction extension) Progeny asserted in RM-10403 that GPS simply “obviated” LMS-M multilateration and that PMRS status of LMS-M would not be viable either. Progeny's false cry of “wolf” and thereafter its reversal demonstrate lack credibility and candor.

[*] The following is from a magazine that picked up on Progeny's press release on its alleged Pursue study (other trade press has essentially the same Progeny-generated information):

MRT magazine:

University to study spectrum use. Jan 1, 2007 12:00 PM.

Progeny LMS commissioned Purdue University to study the company's proposed use of spectrum it holds in the multilateration, location and monitoring service (M-LMS) band at (902 MHz to 928 MHz) for public-safety applications. The year-long project will study the uses of the M-LMS band spectrum, including how to deploy wireless service targeted at public-safety applications in areas where GPS coverage is limited or signals do not reach, such as indoors. [See notenote 1/]

Progeny has used this press release and this alleged study as a basis of its recent ex parte meetings and presentations in this docket.

Clearly, Progeny needs no rule changes to use LMS-M to serve public safety (PMRS) and to supplement GPS with terrestrial multilateration.

2. Progeny's ideas conflict with requirements to minimize interference to Part 15 systems, and would lead to ineffective spectrum use. In contrast, current LMS-M rules for wide-area ITS service provide coexistence and spectrum efficiency.

To supplement GPS with effective indoor multilateration as Progeny suggests will require that the LMS base stations deliberately direct transmit power at the major residential and commercial areas with such buildings: this is exactly NOT what the current LMS-M rules and Orders require in letter and spirit, which is for LMS-M to attempt to minimize interference to other uses of the band including Part 15 devices, and test to show this.

Part 15 devices (used mostly in various wireless local area networks or WLANs) are principally used in these areas of high building density where Part 15 power levels are effective and where spectrum reuse from one to the next facility or neighborhood is effective given the quantity of spectrum and the contention protocols employed.

Wide-areas ITS, on the other hand, is based upon optimizing the transmitter sites to provide coverage along major roadway corridors, and handing off to WLANs when in the range of such buildings (where the WLANs are either on unlicensed spectrum, or licensed ITS DSRC 5.9 GHz or public safety-centric 4.9 GHz).

This effectively separates LMS-M ITS spectrum use in space from WLANs including those using Part 15 equipment in 902-928 MHz, and also in time due to the inverse peak times (see my past filings for details). This separation in time and space will optimize use of the band and minimize interference among LMS-M and Part 15 systems. The Commission anticipated this separation in the LMS rulemaking in the 1990's.

Modern wide-area wireless systems, as planned for ITS, use well planned antenna sites and systems with directional signals, “smart” techniques, MIMO and other means to optimize and focus performance in the targeted areas, shift capacity via SDRs during changing traffic loads during the day, etc. As my LLCs have repeated often in this docket (and the preceding RM-10403), LMS-M and Part 15 use are compatible in time and space where LMS-M is used under the current rules for wide-area ITS wireless. And wide area LMS-M is synergistic with WLANs and should be coordinated with DSRC LMS.

3. The NPRM should be dismissed. Progeny can seek waivers if it later needs any: (but none needed for its current ideas) same for PCS Partners, Fox, and Wong.

LMS-M ITS interests and the Part 15 interests are aligned in this docket, based on the sound legal and technical reasons these parties gave.

The NPRM should be dismissed. If Progeny and such other LMS-M licensees later have any specific ideas for service that cannot fit within the current rules, then they can seek waivers. Progeny's current ideas need no rule changes (but Progeny may not be able to satisfy the testing requirement under §90.353(d) last sentence, if it focuses on building coverage).

(By the preceding suggestion, the undersigned do not waive their position that the licenses of said LMS-M licensees automatically terminated for lack of good-cause construction extensions.)

In no case should the Commission damage US Intelligent Transportation Systems for which LMS-M can play a vital role under the sound current rules by adopting any of the NPRM's proposed changes. See past filings by the undersigned.

Sincerely,

Warren Havens
President

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1/ Purdue is a state institution, and the alleged Progeny sponsored study and related communications are subject to State FOIA law.