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Nationwide spectrum & solutions for ITS & environment

Berkeley California

Ex parte presentation
Electronic submission

June 4, 2007

Marlene Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20054

Re: WT 06-49, LMS-M NPRM:
[Initial Response to “Part 15 Coalition” \(“Coalition”\) Ex Parte Presentation of June 1, 2007](#)

Telesaurus is a principal party in this docket, yet the Coalition did not copy Telesaurus on the subject filing that seeks to undermine the Telesaurus LMS-M licenses and plans. See also footnote 4 below.

1. The Coalition’s position is new, and very different from its past position to maintain the current rules. [Thus, the Telesaurus Group requests adequate, substantial time to review this technical proposal and respond, including by in-person meeting presentations.](#)¹

2. Initially, [Telesaurus Holdings GB LLC \(“Telesaurus”\) and its affiliates listed above strongly oppose](#) the Coalition’s proposal for the same reasons it opposes the Progeny proposals:

- It ignores the high public interest reason for LMS-M: wide-area services for Intelligent Transportation Systems (“ITS”),
- It would make LMS-M ITS systems practically impossible in the majority of the US land mass, by reducing the power and time of use of LMS-M systems (verses the current rules’ allowances),
- It seeks to throw out the well-crafted, balanced rules for LMS-M for ITS that the Commission structured last decade (in large part, by participation of Part 15 interests).

Neither Progeny, whose licenses were not validly obtained,² nor the Coalition of unlicensed use interests, has rights to propose changes of the rules that govern the Telesaurus LMS-M licenses,

¹ The Telesaurus Group has sought for over three weeks, by phone and email, an opportunity to make in-person presentations, but to date has received no response. See Telesaurus Ex Parte filing of 6.1.07.

nor show any public-interest basis for their proposals' undermining of LMS-M for ITS (or any wide-area use).

There is no interference³ or other basis for the Coalition to effectively attack, as it clearly does, Telesaurus' licenses and plans for nationwide wide-area ITS.⁴

The Coalition, after first defending the existing rules in this NPRM docket (and earlier in RM-10403), apparently now see an opportunity to seek greater effective rights than under the past rules—by cutting back LMS-M technically—where they have no vested rights to the subject spectrum.

Coalition members primarily involve companies that use licensed spectrum, many for “critical infrastructure.” On the one hand, they regularly assert to the Commission, NTIA, and Congress that licensed spectrum in bands below 1 GHz, with power sufficient for wide-area coverage, and no limitation on duty cycle, is essential to *their* particular critical infrastructure wireless systems—yet they now propose otherwise for the nation's transportation systems that are also critical infrastructure and that sorely need ITS, for which LMS-M was allocated.

3. [In response](#), the Telesaurus Group intends to present in this docket in the near future in meetings (see footnote 1) and written presentations a proposal to place certain limits on Part 15 uses in the LMS-M A-block held by Telesaurus in the vast majority of the nation, and in all LMS-M blocks nationwide since all of LMS-M should be all be maintained for wide-area ITS.

The proposed limitations will focus on ensuring that Part 15 systems are identified and do not interfere with LMS-M used for wide-area ITS radio service within defined ITS standards and architecture.

[Continued.]

² See the Ex Parte presentations by Telesaurus in this docket, the last filed 5.29.07. Both the Progeny proposal and the Coalition's response are based upon the premise that Progeny holds valid LMS licenses, which is incorrect based on the facts presented and applicable law.

³ Part 15 devices have no rights to interference protection; however, LMS-M licenses must undertake certain testing with respect to Part 15 systems to reduce potential interference.

⁴ LMS-M rules and related Orders call for attempts by LMS-M licensees to coordinate with Part 15 interests to minimize contention, commencing with system planning. Telesaurus makes such attempts. In this regard: Mr. Stevenson, the technical author of the Coalition's presentation, telephoned and sought input from the undersigned, Mr. Havens, of Telesaurus as to his response to the Progeny proposal by first clearly representing to Mr. Havens that he and his client, and Telesaurus (whose filings Mr. Stevenson said he was familiar with), were “on the same side” in this docket. On that basis, Mr. Havens provided his input by phone and in substantial written notes, sent also to counsel to the Coalition (Messrs. Goldberg and Lazarus). However, it is now clear that the Coalition planned a proposal (the subject of this filing) that was quite the opposite. Also, Mr. Havens several times asked said counsel to the Coalition to discuss the parties' respective positions in this docket, but they declined.

In sum, the Commission should reject both Progeny's and the Coalition's proposals for reasons given above (and in past filings by Telesaurus).

The Commission should allow the Telesaurus Group, with experts from the ITS industry that they will bring (from the University of California), to present the compelling case for nationwide ITS wireless (LMS-M integrated with DSRC and GPS) based on US and international standards, as the Commission intended.

Until the Commission obtains a good understanding of how LMS-M can provide the essential wide-area ITS service that the Commission intended, and indeed, far more advanced services by integrated with DSRC and use of technology and standards now available, it should not act upon the Progeny, Coalition, or any other proposal to change the current rules.

Respectfully,



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