

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

In the Matter of	)	
	)	
Requests by Progeny LMS, LLC,	)	
FCR, Inc., Helen Wong-Armijo, and	)	WT Docket No. 12-202
PCS Partners, L.P. For Waiver and	)	
Extension of Time to Construct	)	
900 MHz Multilateration Location	)	
and Monitoring Service Licenses	)	

Via ECFS

**REPLY COMMENTS OF PCS PARTNERS, L.P.**

PCS Partners, L.P. (“PCSP”), by its attorneys, hereby replies to comments filed in response to the Wireless Telecommunications Bureau’s Public Notice, DA 12-1144 (July 17, 2012) seeking comment on the above-captioned requests by 900 MHz Multilateration Location and Monitoring Service (“M-LMS”) licensees, including PCSP, for extension of time to meet their construction benchmark deadlines.

IEEE 802 “encourages” the Commission to reject all of the M-LMS extension requests.<sup>1</sup> Itron, Inc., the Wireless Internet Service Providers Association, and Landis+Gyr Company (“Joint Commenters”) state that the licenses of PCSP and other M-LMS licensees should be extended if justified, or cancelled, and that the Commission should not permit any M-LMS licensee to pursue construction efforts until it has completed cooperative testing demonstrating

---

<sup>1</sup> Comments of IEEE 802, WT Dkt. 12-202, at 3 (Aug. 16, 2012) (“IEEE 802 Comments”).

that no unacceptable level of interference to Part 15 devices will occur.<sup>2</sup> The Commission should ignore these comments and grant PCSP's request.

PCSP seeks an extension of the first and second construction deadlines for 32 M-LMS licenses, covering 32 Economic Areas ("EAs"), until five years after final Commission action on rule changes proposed in 2006, in a proceeding initiated to substantially reexamine the M-LMS rules in order to determine how to facilitate more efficient use of the M-LMS band.<sup>3</sup> As to the other M-LMS licensees, FCR, Inc. seeks a five-year extension of the first construction deadline for 13 M-LMS licenses covering 13 EAs; Helen Wong-Armijo seeks a five-year extension of the first construction deadline for 84 M-LMS licenses covering 60 EAs; and Progeny LMS, LLC seeks extensions of various duration for 228 M-LMS licenses covering 115 EAs.

All of the M-LMS licensees have indicated that they face the same circumstances: ongoing regulatory uncertainty and the continued unavailability of M-LMS equipment for commercial deployment. *See, e.g.*, PCSP, File No. 0005299291, Att. 1. As PCSP's request makes clear, these circumstances have been found to fully justify requests for extension of time to satisfy construction obligations. *See id.* There is no justification for a different result here. IEEE 802, which is developing a standard for Smart Grid applications in the 902-928 MHz band, asserts that location services in the band are not viable,<sup>4</sup> and does not dispute the factual basis supporting PCSP's request. The Joint Commenters assert that there is "claimed uncertainty over rules and equipment availability,"<sup>5</sup> but offer no evidence to the contrary. The Joint Commenters'

---

<sup>2</sup> Comments of Itron, Inc, WISPA and Landis+Gyr Company, WT Dkt. 12-202, at 2 (Aug. 16, 2012) ("Joint Comments").

<sup>3</sup> *See Amendment of the Commission's Part 90 Rules in the 904-909-75 and 919.75-928 MHz Bands*, WT Dkt. 06-49, Notice of Proposed Rulemaking, 21 FCC Rcd. 2809 (2006).

<sup>4</sup> IEEE 802 Comments at 2.

<sup>5</sup> Joint Comments at 6.

primary, if not sole, concern appears to be that M-LMS licensees comply with existing conditions of construction and operation,<sup>6</sup> but they cite nothing to indicate that any PCSP, or any other M-LMS licensee, will not do so. In any event, that concern is not a valid reason not to grant the requested extension, which is fully consistent with applicable precedent and is justified by PCSP's request.

WHEREFORE, PCSP respectfully requests that the Bureau grant PCSP's Request for Extension of Time.

Respectfully submitted,

PCS PARTNERS, L.P.



By: \_\_\_\_\_

E. Ashton Johnston  
Lampert, O'Connor & Johnston, P.C.  
1776 K Street, N.W.  
Suite 700  
Washington, DC 20006  
Tel (202) 887-6230  
johnston@lojlaw.com

Its Attorney

August 31, 2012

---

<sup>6</sup> See Joint Comments at 4-5.