Before the
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Request by Progeny LMS, LLC for Waiver of	)	WT Docket No. 11-49
Certain Multilateration Location and Monitoring	)	
Service Rules	)	

REPLY COMMENTS OF THE UTILITIES TELECOM COUNCIL

The Utilities Telecom Council ("UTC") hereby files the following reply comments in response to the Commission's Public Notice in the above-referenced matter. [1] UTC submits that the comments that were filed on the record show that Progeny would cause unacceptable interference to Part 15 devices and the overwhelming number of comments oppose commercial deployment of Progeny systems. These comments are consistent with UTC's comments which opposed Progeny's commercial deployment, due to the potential for interference to tens of millions of smart grid devices, which threatens utility reliability and the significant investments that have been made in smart grid systems.[2]

Specifically, the comments show that Progeny does indeed cause co-channel interference on the spectrum that it would use, and that Part 15 devices would experience additional interference in other parts of the band due to overload and congestion.[3] The interference is significant, and tests have shown

[1] *The Wireless Telecommunications Bureau and the Office of Engineering and Technology Seek Comment on Progeny's Joint M-LMS Field Testing Reports,* Public Notice, DA 12-1873, WT Docket No. 11-49 (rel. Nov. 20, 2012) ("Public Notice").

[2] *See* Comments of UTC in WT Docket No. 11-49 (filed Dec. 21, 2012)(concluding that "the test reports show that Progeny would cause unacceptable interference to Part 15 operations in the band, including devices used by utilities and CII to support AMI and SCADA applications," and that "the Commission [should] reject Progeny's request for authorization to commercial deploy its M-LMS network.")

[3] *See* Comments of Kerry Groetsch (Dairyland Power Cooperative) at 1 (filed Jan. 11, 2013)(stating "[i]f this part of the frequency band becomes unusable, due to unacceptable levels of interference, it will cause Dairyland to abandon the 900 MHz system, something we cannot afford to do as it could affect the safety and reliability of the electrical system."); Comments RKF Engineering at 1 (filed Dec. 21, 2012)(stating "It is clear that in areas around the high power Progeny base stations that many Part 15 devices will be susceptible to overload."); *and* Comments of the Part

performance degradation of possibly more than 60% to Part 15 operations.[4] This is based on limited testing on three devices and does not account for the level of interference that may be caused if deployment of Progeny and the tested Part 15 devices were more mature and pervasive, as they likely will be in other markets besides San Jose, California and as system growth continues to occur by Progeny and other M-LMS providers, as well as Part 15 providers.[5]

As many of the comments point out, Progeny will need to deploy more pervasively to provide in-building penetration necessary for the E-911 services that they intend to provide.[6] As other comments point out, these E-911 services represent a significant departure from the mobile services that they were intended to provide when the FCC crafted its M-LMS rules.[7] Thus, they represent a significantly greater interference threat than initially contemplated, but in any event, Progeny and other M-LMS providers were put on notice from the start that they would not be permitted to cause unacceptable interference to other Part 15 devices.[8] Thus, the Commission required Progeny to demonstrate through cooperative

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15 Coalition at 6-7 (filed Dec. 21, 2012)(stating "[t]he testing shows that Progeny's operations will not allow unlicensed devices to operate in or around its frequency ranges. Inevitably, whether by smart radio features or over time by re-engineering, many unlicensed devices will cluster around the remaining frequencies, increasing the noise level through which these devices will need to push to continue to operate, assuming they can even continue to operate. This will create more crowded conditions in the remaining unlicensed spectrum.")

[4] Comments of the Wireless Internet Service Providers Association at i, 4 (stating the "the results of the joint testing confirmed that Progeny's network would cause an aggregate reduction in FWB throughput of at least 60 percent when the Progeny transmitters and the FWB devices operated in the same parts of the 900 MHz band.")

[5] *See* Comments of RKF Engineering at 1 (stating, "[t]he mobile terminals (MT) are intended to operate indoors and out and the cellular design ensures that three base stations are received over the coverage region to provide a good location fix. This means that the mature solution will probably include a variety of cell sizes (macro, micro, pico, and femto) to ensure complete coverage and to overcome interference from Part 15 devices. This dense deployment will result in interference to Part 15 devices. Instead of working synergistically with the Part 15 devices, the Progeny system will tend to push these devices to other parts of the band or out of the band."). *See also* Comments of Landis + Gyr at 3 (stating "[o]f course, these results may not represent the impact of a more mature, densely populated Progeny network operating in an environment in which L+G devices are also more densely populated, so the potential for even greater degradation remains a real threat to the Part 15 community.")

[6] *See* Comments of GE Digital Energy and GE MDS LLC at 6 (observing that "Progeny's beacon system is designed with many high power beacon transmitters to enable building penetration.")

[7] *See e.g.* Comments of Itron, Inc. at 4 (filed Dec. 21, 2012)(stating "[t]he presently planned Progeny system is unlike anything the FCC envisioned when it crafted the M-LMS rules in 1995.")

[8] *See* Comments of GE Digital Energy and GE MDS LLC at 2-5 ("Progeny acquired its M-LMS licenses in 1999 on explicit notice from the Commission of its obligations to the millions of Part 15 users.")

testing that it would not cause unacceptable interference to Part 15 operations as a condition of its waiver authorization – which Progeny has not shown.

Therefore, the Commission should not permit Progeny to commercially deploy, which would cause significant interference to tens of millions of smart grid devices, intelligent transportation services (ITS), and countless more Part 15 devices that are used in the 902-928 MHz for a variety of consumer services.[9]

Respectfully,

Brett Kilbourne
Utilities Telecom Council
1129 20th Street, NW, Suite 350
Washington, DC 20036
(202)833-6807

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[9] *See e.g.* Comments of EZ-Pass at 2 (filed Dec. 21, 2012); Comments of Kapsch TrafficCom IVHS Inc. at 6-7; Comments of MTA Bridges and Tunnels at 1 (filed Dec. 21, 2012); and Comments of New Jersey Turnpike Authority at 1 (filed Dec. 2, 2012)(expressing concerns about the interference potential to intelligent transportation systems.