



March 4, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St SW
Washington, DC 20554

Re: WT Docket No. 11-49

Dear Ms. Dortch:

On March 1, 2013, I spoke with Ruth Milkman, Chief, WTB, Julius Knapp, Chief, OET, Paul Murray (WTB), Bill Stafford (WTB), Paul D'Ari (WTB), Karen Ansari (OET), Hugh L. Van Tuyl (OET), and Geraldine Matise (OET) with regard to the above captioned proceeding.

I expressed my concern that without a clear definition of “unacceptable levels of interference,” it is impossible to know for certain whether Progeny’s system will, or will not cause unacceptable levels of interference to unlicensed devices in the 900 MHz band. Accordingly, the Wireless Bureau should proceed by issuing a Public Notice providing a proposed definition and outlining what studies would demonstrate whether or not Progeny’s system would cause unacceptable interference.

In the event the Bureau proceeds without further testing, the Bureau should still clearly define “unacceptable levels of harmful interference” and explain why the record to date demonstrates that Progeny’s system will not cause unacceptable levels of interference. The Bureau should also consider possible triggers, such as a phased-in roll out, so that if Progeny’s system does cause unacceptable levels of interference to unlicensed devices in the band, the Bureau can take appropriate action to preserve use of unlicensed spectrum in the band.

I also suggested that the Bureau consider what changes could be made to the 900 MHz unlicensed rules to facilitate continued use in light of increase in possible interference from Progeny.

Finally, the Bureau should consider adopting resolution proceedings in the event that Progeny’s system creates harmful interference to EZ Pass and other LMS licensees. Because both M-LMS and LMS licensees are co-primary in the band, it will be difficult to address interference complaints in the event that harmful interference occurs.



In accordance with the FCC's *ex parte* rules, this document is being electronically filed in the above-referenced dockets today.

Respectfully submitted,

/s Harold Feld
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