



Squire Sanders (US) LLP
1200 19th Street, NW
Suite 300
Washington, D.C. 20036

O +1 202 626 6600
F +1 202 626 6780
squiresanders.com

Bruce A. Olcott
T +1 202 626 6615
bruce.olcott@squiresanders.com

April 15, 2013

BY ELECTRONIC DELIVERY

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

Re: Progeny LMS, LLC
Permitted Oral *Ex Parte* Presentation
WT Docket No. 11-49

Dear Ms. Dortch:

On April 11, 2013, Gary Parsons, CEO of Progeny LMS, LLC (“Progeny”), and the undersigned, met with Louis Peraertz, Legal Advisor to Commissioner Mignon Clyburn. The parties discussed the substantial outpouring of interest that has been expressed by the public safety community in Progeny’s location service following the release of indoor location accuracy tests that were conducted by Working Group 3 of the Commission’s Communications Safety Reliability and Interoperability Council (“CSRIC”). Strong letters of support urging the Commission to promptly authorize Progeny to make its service available to support public safety have been filed with the Commission by eight influential public safety organizations.

Subsequent to the meeting, the undersigned sent an email to Louis Peraertz noting the filing of a separate letter of support by a coalition of organizations representing the interests of the deaf and hard of hearing community. The email noted that the support of these deaf and hard of hearing organizations, combined with the overwhelming support that Progeny has received from the public safety community, underscores the public interest benefits that would result from the Commission’s approval of Progeny’s service. Similar emails were also sent to Renee Gregory, Legal Advisor to Chairman Julius Genachowski, and David Goldman, Legal Advisor to Commissioner Jessica Rosenworcel.

During the meeting with Peraertz, the parties also discussed the comprehensive spectrum sharing tests that have been conducted on Progeny’s network, both by an independent third party

37 Offices in 18 Countries

Squire Sanders (US) LLP is part of the international legal practice Squire Sanders which operates worldwide through a number of separate legal entities.

Please visit squiresanders.com for more information.

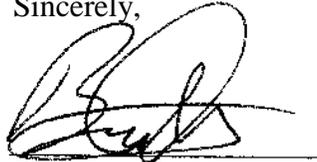
and jointly with major manufacturers and users of Part 15 devices. The multiple rounds of spectrum sharing tests that have been conducted during the past 18 months, combined with Progeny's ongoing operations for more than three years in the San Francisco Bay Area and for much of the past year in 39 other major economic areas has more than adequately demonstrated that its location service can coexist successfully in the 902-928 MHz band with other authorized spectrum users.

As emergency first responders have clearly indicated, Progeny's indoor location service is critically needed to facilitate the prompt location of wireless callers to E911 emergency services. Progeny's service can also be used to locate downed emergency first responders in dangerous environments such as large burning buildings. The Commission itself has said that it considers "indoor location accuracy to be a significant public safety concern that requires development of indoor technical solutions and testing methodologies to verify the effectiveness of such solutions."¹

Taking into account the technical merits of the test results and the significant public interest benefits of Progeny's service, the Commission and its Bureaus are more than justified in concluding that the public interest would be well served by immediately authorizing Progeny to launch its highly accurate location service on a commercial basis so that consumers and the public safety community can begin to enjoy its potential lifesaving benefits.

Thank you for your attention to this matter. Please contact the undersigned if you have any questions.

Sincerely,



Bruce A. Olcott
Counsel to Progeny LMS, LLC

¹ Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules, GN Docket No. 11-117, Wireless E911 Location Accuracy Requirements, PS Docket No. 07-114, E911 Requirements for IP-Enabled Service Providers, *Notice of Proposed Rulemaking, Third Report and Order, and Second Further Notice of Proposed Rulemaking*, FCC 11-107, ¶ 86 (Jul 13, 2011).