

# THE PART 15 COALITION

May 17, 2013

By Electronic Filing

Ms. Marlene H. Dortch  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: In the Matter of Progeny LMS, LLC, Petition for Waiver of  
the Rules and Request for Expedited Treatment  
WT Docket No. 11-49  
Ex Parte Notice**

Dear Ms. Dortch:

On May 16, 2013, the undersigned and Joe Hanna, consultant to the Part 15 Coalition (the "Coalition"), met with representatives of the Public Safety and Homeland Security Bureau (the "Bureau") to discuss the above-captioned matter. In attendance on behalf of the Bureau were: David Turetsky, Bureau Chief, David Siehl, Nichole McGinnis, Timothy May, and Erika Olsen (via telephone).

The Coalition detailed the important life-safety uses of the band by unlicensed users, as noted in previous filings.<sup>1</sup> We discussed the risk of unintended consequences by allowing Progeny to go forward.

The Coalition explained that the test reports on file with the Commission, as well as additional testing by some Coalition members and reports of interference in the Bay Area, demonstrate interference to unlicensed devices, interference that most likely will be aggravated if Progeny's build out continues. And, with regard to certain palliative measures recently proposed by Progeny, we stated that these are inadequate and cannot substitute for the pre-operational testing safeguards required by the Commission's rules.

Finally, we stated that the FCC must not allow Progeny to begin commercial operations before adequate joint testing with unlicensed users has

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<sup>1</sup> Letter from Laura Stefani, Counsel for the Part 15 Coalition, to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 11-49, at p.2 (filed May 13, 2013).

Marlene H. Dortch

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been conducted. We explained that, while we recognize and value the importance of improved indoor location that is clearly a priority of the PSHSB, these improvements must be balanced with the adverse impact on other life-safety and other uses. The testing requested by the Coalition need not be a lengthy process - just a process that should be completed prior to consideration of the order.

The attached list of Part 15 Coalition members and a portion of the Itron-Progeny Test Report<sup>2</sup> were provided.

Please direct any questions to the undersigned.

Sincerely,

/s/

Laura Stefani

*Counsel for the Part 15 Coalition*

#### Attachment

cc: David Turetsky  
David Siehl  
Nichole McGinnis  
Timothy May  
Erika Olsen  
Jeffrey Goldthorp  
David Furth  
Louis Peraertz  
David Goldman  
Courtney Reinhard  
Julie Knapp  
Karen Ansari  
Geraldine Matisse  
Hugh Van Tuyl  
Ruth Milkman  
John Leibovitz  
Roger Noel  
Paul Murray  
Paul D'Ari

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<sup>2</sup> Progeny LMS, LLC and Itron, Inc., Part 15 Test Report Redacted, WT Docket No. 11-49, at p. 15 (filed Oct. 31, 2012).

**Part 15 Coalition Members**

Alarm Industry Communications  
Committee

American Petroleum Institute

Association of American Railroads

Elster Solutions

FreeWave Technologies, Inc.

GE Digital Energy

Inovonics Wireless Corporation

Intellex Corporation

Itron, Inc.

Landi+Gyr Company

MJ Lynch & Associates LLC

Notor Research

Plantronics

Qualcomm Incorporated

Silver Spring Networks

Starkey Laboratories, Inc.

Utilities Telecom Council

Wireless Internet Service Providers  
Association

**Part 15 Coalition Supporters**

Cisco

E-Z Pass Group

Google Inc.

IEEE 802.11

Kapsch TrafficCom IVHS, Inc.

Microsoft Corporation

New America Foundation

Public Knowledge