

THE PART 15 COALITION

May 30, 2013

By Electronic Filing

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

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

Dear Ms. Dortch:

On May 28, 2013, the Part 15 Coalition (the "Coalition") provided Courtney Reinhard, Legal Advisor to Commissioner Pai, with the attached suggested list of conditions that the Commission should place on the licenses held by Progeny LMS, LLC ("Progeny").

Please direct any questions to the undersigned.

Sincerely,
/s/
Laura Stefani
Henry Goldberg
Counsel for the Part 15 Coalition

Attachment

cc: Courtney Reinhard

- The provisions of this Order apply to the technology tested and the type of service detailed in the Waiver Order. Should there be a substantial change in the nature of the service provided or technology used, including but not limited to commencing two-way operations, Progeny will engage in joint field testing to show compliance with Section 90.353(d) of the Commission's rules.
- Progeny will provide regular reports (every six months) to the FCC on the status of its build out in each Economic Area.
- Progeny will also provide regular reports (every six months) on any complaints of interference to unlicensed devices or harmful interference to NMLMS networks and the steps that Progeny is taking (or has taken) to address these complaints.
- Progeny will create a website and toll-free help desk to enable Part 15 device users and NM-LMS licensees to notify Progeny and seek assistance in investigating and mitigating potential interference issues. The website will include a current inventory of each of Progeny's installed beacons. The following information shall be provided for each beacon:

The coordinates of the beacon antenna to the level of accuracy known to Progeny;

The operating power (EIRP in the main lobe), frequencies to be used, bandwidth, duty cycle, and emissions;

The antenna center height above ground and ground elevation above mean sea level, both to an accuracy of no less than ± 1 meter, and the azimuth of the main beam relative to true north;

The antenna gain pattern(s) in the azimuth and elevation planes that include the peak of the main beam; and

The antenna downtilt angle(s).

- Progeny shall provide a minimum of 30 days' advance notice, in the FCC docket and by email to interested parties that register with Progeny, of the date and time that Progeny plans to commence operating a new beacon or modifying the technical parameters, including substantive changes in emission characteristics, of an existing beacon (except if a beacon is to be modified to cure interference, notice shall be posted to the inventory as soon as feasible). Progeny shall also provide notice of any changes to the anticipated commencement date and time. Progeny shall post within 24 hours on the website inventory referenced above the date and time (to the nearest 5 minutes) that each new or modified beacon began transmitting.
- In the event of unacceptable levels of interference to Part 15 devices or harmful

interference to NM-LMS systems in a particular location, Progeny will work cooperatively with the affected parties on a timely basis to mitigate the interference including potentially suspending transmissions, relocating M-LMS beacons (either horizontally, vertically, or to an entirely different location), substituting or modifying beacon antennas, or modifying antenna patterns, antenna heights, transmitter slot assignments, duty cycles, or a combination of the above.

- Progeny will refrain from placing M-LMS beacons on the same towers as pre-existing Part 15 receivers.
- Progeny will work directly with any WISP network operators utilizing the 902-928 MHz band in order to ensure that any interference that results to WISP networks is minimized and does not preclude or substantially impair or disrupt the WISP network operators' ability to continue to provide comparable broadband and voice service quality to their customers.
- Finally, in the event NM-LMS licensees are utilizing the 919.75-921.75 MHz band, which is allocated to both services on a co-primary basis, Progeny will work with NM-LMS licensees to ensure the cooperative and shared use of the spectrum.