



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

MAILED

MAR 15 2011

DO NOT FILE COPY ORIGINAL

FCC Mail Room

DA 11-446

Released: March 10, 2011

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY PROGENY LMS, LLC FOR WAIVER OF CERTAIN MULTILATERATION LOCATION AND MONITORING SERVICE RULES

WT Docket No. 11-49

Comment Date: March 25, 2011

Reply Comment Date: April 4, 2011

On March 8, 2011, Progeny LMS, LLC (“Progeny”) filed a petition for waiver of Sections 90.155(e) and 90.353(g) of the Commission’s rules¹ relating to Multilateration Location and Monitoring Service (M-LMS), and requests expedited treatment.² The Wireless Telecommunications Bureau seeks comment on the Petition.

Progeny requests waiver of Section 90.155(e) of the Commission’s rules that would permit it to satisfy its build-out requirements by using a multilateration network configuration that it claims is “more technologically advanced and spectrally efficient” than what is set forth in the Section 90.155(e).³ Section 90.155(e) provides that an M-LMS station will be considered constructed and placed in operation if it is built “in accordance with its authorized parameters and is regularly interacting with one or more other stations to provide location service, using multilateration technology, to one or more mobile units.”⁴ Section 90.155(e) further provides that “[s]pecifically, LMS multilateration stations will only be considered constructed and placed in operation if they are part of a system that can interrogate a mobile, receive the response at 3 or more sites, compute the location from the time of arrival of the responses and transmit the location either back to the mobile or to a subscriber’s fixed site.”⁵ Progeny’s proposed service involves a “highly synchronized network that locates vehicles, wireless devices and other mobile assets using multilateration.”⁶ In particular, Progeny is seeking flexibility to satisfy its build-out

¹ 47 C.F.R. §§ 90.155(e), 90.353(g).

² Petition for Waiver of the Rules and Request for Expedited Treatment, Progeny LMS, LLC (filed Mar. 8, 2011) (“Petition”). Progeny is an M-LMS licensee in the 902-928 MHz Band with 228 licenses in 113 Economic Areas (EAs). Petition at 4.

³ Petition at 2. Progeny’s construction deadlines require it to provide service to at least one third of the population in each EA by July 19, 2012 and to at least two thirds of the population in each EA by July 19, 2014. Petition at 4-5. See 47 C.F.R. § 90.155(e).

⁴ 47 C.F.R. § 90.155(e).

⁵ *Id.*

⁶ Petition at 6.

requirements using “a broadcast-only multilateration network architecture” and seeks to construct a network that involves “only one transmission path (the beacon to mobile device path), rather than multiple transmission paths to and from a base station and mobile devices.”⁷ Progeny states that mobile devices would use the beacon signals broadcast from fixed base stations to determine their own position without the need for a return transmission path in the M-LMS spectrum band or any other communications with Progeny’s M-LMS network.⁸

Progeny states that an urgent need exists for location determination technologies that can more accurately identify the locations of mobile devices, particularly indoors and in urban centers.⁹ It argues that its technical approach “can provide highly accurate and reliable position location information” in these environments.¹⁰ Progeny claims that a waiver of Section 90.155(e) would permit it to provide position location services that are “more accurate, more reliable, more spectrally efficient and far less potentially interfering than the M-LMS network architecture” that is required by the rule.¹¹ According to Progeny, continued application of the existing rule would force it to use a network configuration that “is less spectrally efficient and would generate significantly more signal transmissions in the M-LMS spectrum band.”¹² Progeny states that it is “not asking the Commission to conclude that Progeny’s technical approach is the only network architecture that M-LMS licensees should employ, or even the most favorable.”¹³ Progeny notes that it, along with other M-LMS licensees, “could conceivably construct M-LMS networks in the future that match the network architecture that is specified in the Commission’s M-LMS rules.”¹⁴

Progeny also requests waiver of Section 90.353(g) of the Commission’s rules. Section 90.353(g) requires M-LMS licensees to provide vehicle location service on a primary basis, and if an M-LMS licensee’s primary operations involve the provision of vehicle location service, the licensee is also permitted to offer non-vehicular location services.¹⁵ Progeny requests a waiver in order to permit it to make its M-LMS services equally available to track the location of vehicles and non-vehicular mobile devices.¹⁶ Progeny asserts that the purpose of the rule was to limit the density of signal transmissions in

⁷ *Id.* at 11.

⁸ *Id.* at i.

⁹ *Id.* at 3.

¹⁰ *Id.* at 4. Under Progeny’s proposal, “[t]ransmitter beacons are strategically placed to surround a GPS challenged location (such as a metropolitan area) using existing building structures and towers.” *Id.* at 6.

¹¹ *Id.* at 12. Progeny claims that its approach “would substantially reduce the density of transmitters . . . thus greatly reducing the potential for interference to Part 15 devices.” *Id.* at 11.

¹² *Id.* at 11.

¹³ *Id.* at 7.

¹⁴ *Id.*

¹⁵ Section 90.353(g) of the rules provides that “[m]ultilateration LMS systems whose primary operations involve the provision of vehicle location services, may provide non-vehicular location services.” 47 C.F.R. § 90.353(g). *See also* Amendment of Part 90 of the Commission’s Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, PR Docket No. 93-61, *Report and Order*, 10 FCC Rcd 4695, 4701 ¶ 12 (1995).

¹⁶ Petition at 2, 12-15.

the M-LMS band and, with it, the potential interference to other spectrum users.¹⁷ In its Petition, Progeny states that a “broadcast-only M-LMS network configuration would substantially reduce M-LMS transmissions in the 902-928 MHz band thereby directly serving the underlying goal of the Section 90.353(g) requirement” and that “the risk of harmful interference to other users of the band would in no way be affected by the number of, or types of, mobile devices utilizing a broadcast-only M-LMS network.”¹⁸ Progeny also states that “[e]ven if a return path was desired, non-vehicular wireless devices could transmit on spectrum not designated for M-LMS.”¹⁹ In addition, Progeny states that its proposed “broadcast-only multilateration network configuration can be used by an unlimited number of mobile devices without any cumulative impact on other users of M-LMS spectrum.”²⁰

Finally, Progeny requests that the Commission provide expedited treatment in addressing its petition for waiver. Progeny states that improved technologies are needed to ensure that emergency service providers can promptly receive accurate and reliable information regarding the locations of wireless callers.²¹ In urging expeditious treatment, Progeny states that it “may have a limited opportunity to construct its M-LMS network” due to current build-out obligations.²²

Procedural Matters

Comments on the Petition are due **March 25, 2011**. Reply comments are due **April 4, 2011**. All filings should reference the docket number of this proceeding, WT Docket No. 11-49.

This Public Notice establishes certain procedural requirements relating to consideration of the Petition. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b).

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.

¹⁷ *Id.* at 12.

¹⁸ *Id.* at 13.

¹⁹ *Id.*

²⁰ *Id.* at 15.

²¹ *Id.* at 15-16; *see also id.* at 3.

²² *Id.* at 16.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

The Petition, and comments and reply comments filed in response to this Public Notice, will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 11-49. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact Brenda Boykin, Spectrum & Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-2062, Brenda.Boykin@fcc.gov, or Bill Stafford, Spectrum & Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-0563, Bill.Stafford@fcc.gov.

Action by the Chief, Wireless Telecommunications Bureau.

- FCC -