

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Request by Progeny LMS, LLC for Waiver of
Certain Multilateration Location and Monitoring
Service Rules
WT Docket No. 11-49

ORDER

Adopted: November 30, 2012

Released: November 30, 2012

Extended Comment Filing Deadline: December 21, 2012

Extended Reply Comment Filing Deadline: January 11, 2013

By the Chief, Wireless Telecommunications Bureau, and the Chief, Office of Engineering and Technology:

1. On November 20, 2012, the Wireless Telecommunications Bureau and the Office of Engineering and Technology released a Public Notice seeking comment on the Joint Testing Reports and on Progeny’s letter of October 31, 2012, that were submitted in WT Docket No. 11-49. In this Order, we extend the comment and reply comment filing deadlines in this proceeding to provide that comments are due on or before December 21, 2012, and reply comments are due on or before January 11, 2013.

2. On November 26, 2012, The Part 15 Coalition filed its Extension Request, in which it asks that the comment deadlines be extended to provide that comments be due no later than December 21, 2012 and reply comments be due no later than January 21, 2013. The Part 15 Coalition asserts that the proceeding “presents complex technical questions regarding the interference effects of an M-LMS licensee on 902-928 MHz unlicensed devices,” and that “the Commission must be certain that it makes accurate findings.” The Part 15 Coalition further claims that the release of the Public Notice and the

1 The Wireless Telecommunications Bureau and the Office of Engineering and Technology Seek Comment on Progeny’s Joint M-LMS Field Testing Reports, WT Docket No. 11-49, Public Notice, DA 12-1877 (WTB, OET rel. Nov. 20, 2012) (Public Notice). The Joint Testing Reports and Progeny’s October 31 Letter are identified in the Public Notice. See id. at nn.1-4. In addition, on November 20, 2012, the Wireless Telecommunications Bureau released a Protective Order in this proceeding. Request by Progeny LMS, LLC for Waiver of Certain Multilateration Location and Monitoring Service Rules, Protective Order, DA 12-1877 (WTB rel. Nov. 20, 2012) (Protective Order).

2 Initially, under the Public Notice comments were due on or before December 11, 2012, and reply comments were due on or before December 21, 2012.

3 The Part 15 Coalition Request for Extension of Comment and Reply Comment Deadlines, WT Docket No. 11-49, filed November 26, 2012 (Extension Request). The Part 15 Coalition states that it is composed of entities that manufacture, use, and/or represent users of unlicensed Part 15 devices that operate in the 902-928 MHz band. Id. at 2. Its members are the American Petroleum Institute, Elster Solutions, Itron, Inc., Landis+Gyr Company, Notor Research, Silver Spring Networks, Utilities Telecom Counsel, and Wireless Internet Service Providers. Id. at Attachment A. On November 29, 2012, Public Knowledge and the New America Foundation filed an ex parte submission in support of the Extension Request. See Letter from Harold Feld, Public Knowledge, and Michael Calabrese, New America Foundation, to Michael H. Dortch, FCC, WT Docket No. 11-49, filed Nov. 29, 2012.

4 See Extension Request at 3.

Protective Order creates a situation where parties “will effectively be left with only seven business days to review materials and prepare comments.”⁵ The Part 15 Coalition states that an extension of time is necessary and would be in the public interest “[g]iven the complexity and volume of the data and importance of the FCC’s decision in this proceeding.”⁶

3. On November 27, 2012, Progeny LMS, LLC (Progeny) filed an opposition to the Joint Motion.⁷ Progeny claims that adherence to the comment schedule is “particularly justified in this case given the growing and critical need for the E911 position location services that Progeny seeks to provide to support emergency first responders.”⁸ Progeny also asserts that many of the Part 15 Coalition members have had lengthy access to the Joint Testing Reports, and that those members have “worked jointly with Progeny to develop and conduct the tests” or have been “clearly aware” that the Joint Test Reports were filed and made public before release of the Public Notice.⁹ Progeny further claims that the release of the Protective Order does not warrant an extension, and disagrees with the suggestion that the analysis of the test reports may be “rushed” or inaccurate.¹⁰

4. The Commission’s policy, as set forth in Section 1.46(a) of its rules,¹¹ is that extensions of time are not routinely granted. In the instant case, however, we find that under these particular circumstances granting an extension of the comment and reply comment periods will serve the public interest by allowing all parties additional time to consider issues in the proceeding. Under the circumstances of this proceeding, we find that the request for ten additional days for filing comments to be reasonable, and we extend the comment period until December 21, 2012. We also provide ten additional days for filing reply comments and extend the reply comment deadline until January 11, 2013, which we find to be sufficient for this proceeding.

5. Accordingly, IT IS ORDERED that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and sections 0.131, 0.331, and 1.46 of the Commission’s Rules, 47 C.F.R. §§ 0.131, 0.331, and 1.46, The Part 15 Coalition’s Request for Extension of Comment and Reply Comment Deadlines IS GRANTED IN PART AND DENIED IN PART.

6. IT IS FURTHER ORDERED that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and sections 0.131, 0.331, and 1.46 of the Commission’s rules, 47 C.F.R. §§ 0.131, 0.331, and 1.46, the deadline to file comments in this proceeding is extended to December 21, 2012 and the deadline to file reply comments in this proceeding is extended to January 11, 2013.

⁵*Id.* at 3-4.

⁶*Id.* at 4.

⁷ Opposition of Progeny LMS, LLC, WT Docket No. 11-49, filed November 27, 2012 (Opposition).

⁸*Id.* at 1.

⁹*Id.* at 3-4.

¹⁰*Id.* at 4-5.

¹¹ 47 C.F.R. § 1.46(a).

FEDERAL COMMUNICATIONS COMMISSION

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