

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: March 14, 2012

Released: March 14, 2012

By the Chiefs, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau and Policy and Rules Division, Office of Engineering and Technology:

1. On February 14, 2012, the Wireless Telecommunications Bureau and the Office of Engineering and Technology released a Public Notice seeking comment on the M-LMS field testing report ("Report") that had been filed by Progeny LMS, LLC (Progeny), and provided that comments are due on March 15, 2012, and reply comments are due on March 30, 2012. On March 12, 2012, three days before comments are due, Skybridge Spectrum Foundation, Telesaurus Holding GB LLC, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, V2G LLC, and Warren Havens (collectively "SkyTel"), filed a "Request to Extend Dates for Comments and Replies" ("Request"), in which it seeks an extension of the date for filing comments from March 15, 2012 to March 30, 2012, and an extension of the date for filing reply comments from March 30, 2012 to April 30, 2012. On March 12, 2012, Progeny filed an opposition to the Request asking that it be denied. On March 13, 2012, SkyTel filed a reply to Progeny's opposition.

2. In its Request, SkyTel alleges that the comment and reply deadlines are "too short given the complexity of . . . [the] Report and the weight of matters involved," the Report is "lengthy and complicated," and additional time is needed to "secure suitable engineering expertise." In addition to its discussion of the request for additional time to comment, SkyTel makes other claims that include allegations relating to Progeny's status as a licensee, assertions that the Report is an impermissible ex parte presentation, and other matters regarding the process used in the preparation of the Report. In response to SkyTel's request, Progeny replies that SkyTel should not be granted an extension of time to file Comments and Replies, because it "makes no effort to explain why . . . [it] could not have filed . . . [its] extension request at an earlier date," fails to "identify a credible justification for an extension," and

1 Request to Extend Dates for Comments and Replies, WT Docket No. 11-49 (March 12, 2012) ("Request").
2 Opposition of Progeny LMS, LLC, WT Docket No. 11-49 (March 12, 2012) ("Opposition").
3 Reply to Progeny Opposition to Request to Extend Dates for Comments and Replies, WT Docket No. 11-49 (March 13, 2012).
4 Request at 3.
5 Id. at 1-4.

fails “to explain why . . . [it] is an interested party.”⁶ In its reply, SkyTel states the “the Request should be fully granted, or if not, the Bureaus should grant as much of the requested extension period as possible.”⁷

3. As set forth under Section 1.46(a) of the Commission’s rules, it is the policy of the Commission that extensions of time shall not be routinely granted.⁸ We do not find that the arguments presented by SkyTel warrant granting an extension. The general nature of SkyTel’s assertion that the Report is lengthy and complicated does not persuade us that an extension should be granted. In addition, SkyTel waited until three days before comments are due and nearly a month since the *Public Notice* seeking comment on the Report was released, to request an extension, and has presented no acceptable reason for waiting that long before seeking an extension. Finally, we conclude that the other issues raised in the Request and in SkyTel’s reply have no bearing on whether to extend the period for comment and reply comments, and thus need not be addressed here.

4. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 155(c), 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 request for extension of time filed by Skybridge Spectrum Foundation, Telesaurus Holding GB LLC, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, V2G LLC, and Warren Havens is DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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⁶ Opposition at 2-7.

⁷ Reply at 7. SkyTel also makes a number of arguments in its reply.

⁸ 47 C.F.R. § 1.46(a).