

January 11, 2013

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Opposition to Progeny Waiver Request
FCC WT Docket No. 11-49**

Dear Chairman Genachowski:

The undersigned urge you to reject the proposal of Progeny LMS, LLC (“Progeny”) to use the 902-928 MHz band (the “Unlicensed Band”) for licensed high-power transmitters, which will interfere with millions of lower-powered unlicensed industrial and consumer devices already operating in that band. Field testing has proved conclusively that Progeny will disrupt a substantial number of unlicensed devices that consumers and businesses use every day.

In December 2011, the FCC granted Progeny waivers of two Part 90 rules. As required by the rules, the FCC directed Progeny to test its higher-powered equipment and to ensure that its operations did not cause “unacceptable levels of interference” to unlicensed devices. The test reports filed with the FCC show that Progeny has not met this condition of its waiver.

Much is at stake. The operations of millions of unlicensed devices – all manufactured, purchased, installed, and used in reliance on the FCC’s existing rules before Progeny received the waiver – will be placed at risk.

Allowing Progeny to operate as proposed would adversely impact preexisting uses essential to public safety and critical infrastructure, and undermine important public policy initiatives – including rural broadband connectivity and the President’s Plan for a 21st Century Electric Grid. For instance, low-powered devices currently operating in the Unlicensed Band include:

- Medical devices such as wireless glucose meters and insulin pumps;
- Important freight railroad applications, including wireless links for signaling systems, wireless download of train event recorders, and Automatic Equipment Identification (AEI), which tracks equipment and cargo;
- Smart meters and appliances;
- Supervisory Control and Data Acquisition (“SCADA”) systems that monitor and control the safety and integrity of oil and natural gas pipelines and production fields;
- Water and gas utility measurement devices;
- Radio Frequency Identification Devices (“RFIDs”) that automatically track assets and supply chains;

The Honorable Julius Genachowski

January 11, 2013

Page 2

- Fixed broadband service in rural areas that is available to thousands of consumers only through the use of the 902-928 MHz unlicensed band due to the superior propagation characteristics in this band that enable signals to penetrate trees and terrain obstructions; and
- Countless other important applications for utilities, oil and natural gas companies, railroads, and other critical infrastructure companies as well as public safety and health services.

Moreover, millions of American consumers rely on unlicensed devices in this band for everyday uses, including wireless hearing aid products, emergency call pendants, home alarm systems, cordless phones and wireless headsets, and a host of other popular consumer items. The impact on the U.S. economy of unacceptable interference to these ubiquitous and important devices is immeasurable.

Reducing the amount of usable unlicensed spectrum would contravene public policy at a time when consumers and businesses require more and more unlicensed bandwidth for education, public safety, teleworking and other important applications. As you know, the FCC's National Broadband Plan found that technologically flexible access to unlicensed frequencies is an essential innovation policy that the FCC should foster. You recently testified before the House Committee on Energy and Commerce Subcommittee on Communications and Technology that unlicensed spectrum has an established record of creating hundreds of billions of dollars of value for our economy and consumers. And, FCC Commissioner Mignon Clyburn testified at the same hearing that unlicensed spectrum generates up to an estimated 37 billion dollars each year for the U.S. economy.

The record is clear. Progeny has done nothing to protect users of unlicensed devices, and repeatedly has requested rule concessions that threaten the established and growing Unlicensed Band, a national resource that quite simply cannot be placed at risk. We urge you to withhold permission for Progeny to commence commercial operations until the potential for unacceptable interference to the users of the Unlicensed Band is eliminated.

Sincerely,

[Signatories On Following Pages]

cc: The Honorable Robert M. McDowell, Commissioner
The Honorable Mignon L. Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner

SIGNATORIES

American Gas Association	American Petroleum Institute
American Public Power Association	American Water Works Association
Association of American Railroads	Demand Response and Smart Grid Coalition
Edison Electric Institute	Energy Telecommunications and Electrical Association
GridWise Alliance	Large Public Power Council
National Association of Manufacturers	National Electrical Manufacturers Association
National Rural Electric Cooperative Association	New America Foundation
Public Knowledge	Utilities Telecom Council
Wireless Internet Service Providers Association	Alloynet Wireless Technologies, Inc.
Airspan Networks, Inc.	ARC Wireless LLC
Anadarko Petroleum Corporation	Cambium Networks Ltd.
Black Hills Energy	Colquitt Electric Membership Corporation
Cielo Systems International	Dairyland Power Cooperative
Convergence Technologies, Inc.	Exelon Corp.
Elster Solutions	FreeWave Technologies, Inc.
FirstEnergy Corp.	Great River Energy
The General Electric Company	Holy Cross Energy
Green Mountain Power Corporation	Intelleflex Corporation
Inovonics Wireless Corporation	Itron, Inc.
Invictus Networks, LLC	Link Technologies, Inc.
Kinder Morgan, Inc.	MJ Lynch & Associates LLC
Mid-Kansas Electric Company, LLC	New America Foundation
Motorola Solutions, Inc.	Notor Research
Northeast Utilities	Pepco Holdings, Inc.
PDMNet, Inc.	Plantronics, Inc.

Schneider Electric SA

Southern Star Central Gas Pipeline, Inc.

Streakwave Wireless, Inc.

Trango Systems, Inc.

Ubiquiti Networks, Inc.

Williams Northwest Pipeline, GP

WLAN Mall

Siemens Corporation

Starkey Laboratories, Inc.

Sunflower Electric Power Corporation

Tyco

Village of Mt. Prospect, IL

WISP-Router, Inc.