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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Request by Progeny LMS, LLC For Waiver of  
Location and Monitoring Service (LMS)  
Construction Rule.

WT Docket No. 08-60

**Via the ECFS**

**COMMENTS OF IEEE 802.18**

IEEE 802.18, the Radio Regulatory Technical Advisory Group (“the RR-TAG”) within IEEE 802<sup>1</sup> hereby submits its Comments in the above-captioned Proceeding. This document was prepared and approved by the RR-TAG, and also was reviewed by the IEEE 802 Executive Committee.<sup>2</sup>

The members of the RR-TAG that participate in the IEEE 802 standards process are interested parties in this proceeding. We appreciate the opportunity to provide these comments to the Commission.

**INTRODUCTION**

1. On May 1, 2008, Progeny LMS, LLC (“Progeny”) requested a waiver from the Federal Communications Commission of the Multilateration Location and Monitoring Service (“M-LMS”) construction rule, which requires Progeny to construct and place into operation a sufficient number of base stations to provide service to the relevant M-LMS Economic Areas covered by their licenses. Progeny has requested a three year extension to its five year build out deadline, which ends on July 19, 2008, and an additional three year extension to its ten year build out deadline, which ends on July 19, 2014.

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<sup>1</sup> The IEEE Local and Metropolitan Area Networks Standards Committee (“IEEE 802” or the “LMSC”)

<sup>2</sup> This document represents the views of IEEE 802.18. It does not necessarily represent the views of the IEEE as a whole or the IEEE Standards Association as a whole.

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**IEEE 802.18 BELIEVES M-LMS IS NO LONGER VIABLE AS A GEOLOCATION  
TECHNOLOGY GIVEN THE PRESENT MARKET CONDITIONS**

2. IEEE 802.18 has seen no evidence that M-LMS services are viable technology offerings given the products currently available in the market place using low cost Global Positioning System (“GPS”) alternatives for geolocation services. GPS location services have served the public interest in ways unimagined by the initial creators of the GPS technology.
3. GPS services completely dominate the present geolocation market. It is difficult for us to conceive of an M-LMS service that could compete with services already available using GPS technology, or which could be economically created to address future needs in competition with low cost extensions of existing GPS infrastructure and technologies.
4. IEEE 802.18 has also seen no evidence that equipment manufacturers have any incentive to independently enter the market to provide Progeny the equipment to build out the required base stations to support M-LMS services, given the ubiquity of GPS infrastructure and technology.
5. Further, IEEE 802.18 notes that Progeny continues to fail to obtain any viable source of M-LMS base station equipment even after all the time that has passed since the original licenses were issued.

**CONCLUSION**

6. Progeny’s repeated failure to meet the construction requirements inherent in its license obligations should not be rewarded with a further extension of its licenses that encumbers the subject spectrum with no demonstrable public interest benefit.
7. IEEE 802.18 respectfully recommends that the FCC reject Progeny’s requests for waivers to the Commission’s base station build out requirements, cancel Progeny’s licenses for the M-LMS service, and withdraw the allocation for the M-LMS service

Respectfully submitted,

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/s/  
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