

November 8, 2012

By Electronic Filing

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**Re: In the Matter of Progeny LMS, LLC, Petition for Waiver of the  
Rules and Request for Expedited Treatment  
WT Docket No. 11-49  
Ex Parte Notice**

Dear Ms. Dortch:

On November 6, 2012, Stephen E. Coran and Jack Unger, representing the Wireless Internet Service Providers Association ("WISPA"), Lawrence Movshin, representing Landis+Gyr Company ("L+G"), and Henry Goldberg and Laura Stefani, representing Itron, Inc. ("Itron") (collectively, the "Part 15 Parties"), met with representatives of the Wireless Telecommunications Bureau and the Office of Engineering and Technology.<sup>1</sup> The purpose of the meeting was to provide preliminary observations regarding the results of the interference testing conducted between Progeny and the Part 15 Parties, the specifics of which are detailed in the attached presentation.<sup>2</sup>

Because the Part 15 Parties believe that the issues raised by the results reported in the Test Reports are of interest to many parties beyond those directly involved in the testing, they urged the Commission to issue a public notice allowing interested parties to comment on the test reports. They also explained that transmissions from Progeny's planned systems may have significant adverse effects on the installed base of millions of unlicensed devices presently operating on 902-928 MHz, not just the Part 15 Parties' devices. And the Part 15 Parties further noted the distinction between the 902-928 MHz unlicensed regime and unlicensed use in other bands, specifically that the Commission adopted the Part 15/M-LMS testing requirement because there was already a

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<sup>1</sup> See list below.

<sup>2</sup> Itron representatives additionally referred to, and provided copies of, portions of the Progeny/Itron test report. See Progeny LMS, LLC and Itron, Inc., Part 15 Test Report Redacted, WT Docket No. 11-49, pgs. 19-21 and 68 (filed Oct. 31, 2012).

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substantial installed base of unlicensed users at the time that the Commission authorized the M-LMS service.

Please direct any questions to the undersigned.

Sincerely,

/s/

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/s/

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/s/

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Attachment

cc: Ruth Milkman, WTB  
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Geraldine Matise, OET  
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