

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

In the Matter of)
)
M-Wave Networks, LLC) File No. 0557-EX-CR-2023
Application for renewal of)
the Experimental License WL2XEE)

To: Office of Engineering Technology

Informal Objection

Skywave Networks LLC, by counsel, and pursuant to Section 5.95 of the Commission’s rules, 47 C.F.R. §5.95, hereby informally objects to the grant of another renewal period to M-Wave Networks, LLC (“M-Wave”) to operate on 2-25 MHz. In support, Skywave submits:

1. The Experimental License

Section 5.83 of the Commission’s rules, 47 C.F.R. §5.83 notes the tentative status of experimental licenses. Section 5.83(a) provides that an experimental license does not confer any right to conduct an activity of a continuing nature. Section 5.83(b) further provides that the grant is subject to change or cancellation by the Commission at any time without notice or hearing, if in the Commission’s discretion, the need for such action arises. Section 5.71(a)(2) of the Commission’s rules, 47 C.F.R. §5.71(a)(2) provides that a license may be renewed ... upon an adequate showing of need to complete the experiment. There is no renewal expectancy in an experimental license.

The license was originally granted January 30, 2018 (File no. 0902-EX-CN-2017). It was renewed on September 10, 2020 (File no. 0676-EX-CR-2020) and expired on September 1, 2023. M-Wave has been experimenting for more than five years. With the barest justification in its Narrative Statement, it filed an application for renewal for another two years.

2. The Application

In its application for renewal, M-Wave provided no technical information to describe its experiment or report progress or results. It merely asserts that further technical improvements can be

made to decrease transmit power.¹ M-Wave also proposes to further develop its “Listen Before Transmit” functionality.

As the Commission is aware, M-Wave’s parent company, Tower Research Company (“TRC”) is a member of the Shortwave Modernization Coalition (“SMC”), which filed a rather controversial Petition for Rulemaking.² In the Petition for Rulemaking, Tom Proudley, Director, Global Head of Telecom Operations for TRC provided a declaration detailing, *inter alia*, M-Wave’s experimental operations. In paragraph 3a of the Proudley declaration, the “Automated Real-time Interference Avoidance System” is described as like a “Listen Before Transmit” functionality. When supporting the SMC petition, Mr. Proudley discusses the Automated Real-time Interference Avoidance System as if it works well. In requesting renewal of the experimental license, M-Wave says it needs to keep working on it.

Clearly, over its four years of experimenting, M-Wave has resolved the Listen Before Transmit functionality. The experiment is over.

3. The Experiment

Considering all available information, M-Wave currently uses the Licensed facilities to facilitate production trading. It transmits regularly, in the normal course of business, as a specialized element in a suite of telecommunications links that together effectuate discrete strategies in trading of financial instruments. This regular use is crucial to the Commission’s consideration of renewal of the License. It means that M-Wave is no longer conducting an experiment. Rather it is operating the Licensed facilities as a regular full-time ad hoc service for transmitting compressed bits of financial information to gain an edge in the financial markets. Under the guise of what is routine optimization, M-Wave merely wishes to continue its regular use of the facilities licensed for experimental use.

¹ It’s sister company, Rockland Wireless, LLC made exactly the same argument. Not only is the experiment over, it looks like it was duplicative of Rockland’s.


² It appears that extended and expansive use of experimental licenses for production purposes is driving deliriously flawed rulemaking proposals (e.g., regressive interference proposals and spectrum hogging) that are not in accordance with Commission principles nor are they in the long-term interest of financial industry participants outside of the SMC.

This compares to the situation in *Wilfredo G. Blanco-Pi*, 32 FCC Rcd 3100 (2017), in which the Commission found that the experimental licensee had completed his experiments. Without any apparent further experimental benefit to attain production level status, renewal of the experimental license was not justified. Similarly, renewal of M-Wave's experimental license is not justified.

In light of the foregoing, Skywave asks that the Commission deny M-Wave's application for renewal of the Experimental License, WL2XEE.

Respectfully submitted,

SKYWAVE NETWORKS LLC

By: 

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September 6, 2023

Declaration of Timothy J. Eloe
CEO – Skywave Networks LLC

I serve as Chief Executive Officer of Skywave Networks LLC. I have reviewed the foregoing Informal Objection.

I hereby verify that the facts asserted in the Informal Objection are true and correct to the best of my knowledge, information, and belief. The assertions are proffered under penalty of perjury.

A handwritten signature in blue ink, appearing to read 'T. Eloe', is written above a horizontal line.

Timothy J. Eloe

Chief Executive Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of September 2023, I transmitted a true, correct, and complete copy of the foregoing Informal Objection by electronic mail or by U.S. Postal Service, postage prepaid, to:

Tony Lin, Esq.
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A handwritten signature in blue ink, appearing to read "Marjorie K. Conner", written over a horizontal line.

Marjorie K. Conner