

Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554



Re: Notice of Ex Parte Presentation in ET Docket No. 04-151

Dear Ms. Dortch:

On March 1, 2005, Harold Feld of Media Access Project (representing the Champaign Urbana Wireless Network and Southern California Tribal Digital Village) spoke separately with James Schlichting and Bruce Franca of the Office of Engineering and Technology, and David Furth of the Wireless Telecommunications Bureau.

Mr. Feld reiterated the concern that a "first in time, first in right" exclusive registration scheme would prevent entry by mesh networks and non-commercial users. Mr. Feld observed that the recent staff report on wireless broadband recommended that the Commission foster "voluntary measures" to support frequency coordination in unlicensed, and urged the Commission to use this Order as a test bed for such measures. Mr. Feld again suggested that voluntary registration with a requirement to accommodate all users would be superior to first in time, first in right site licensing.

With regard to low power, staff asked whether requiring a mobile peer-to-peer device to receive a "permission" signal from a high power base station or licensee before transmitting would impact the deployment of mesh networks. Mr. Feld replied that such a scheme would have a negative impact on low power mesh. Mr. Feld suggested the following possibilities: (a) low power fixed peer to peer devices, like high power fixed peer-to-peer devices, should be eligible for any registration and protection scheme; (b) any requirement for a "permission to transmit" signal be satisfied by other means. For example, a mesh node using 2.4 GHz, 5.8 GHz, and potentially 3.65 GHz, could join the network and receive permission to use 3.65 GHz from another internet database rather than a high-power 3.65 GHz base station.

With regard to exclusion zones, Mr. Feld observed that SCTDV is located in San Diego county and potentially impacted by any exclusion zone. It is therefore imperative that any order establishing an exclusion zone require licensees to negotiate in good faith with parties seeking to use 3.65 GHz unlicensed spectrum so that well constructed, isolated systems like SCTDV that need high-power for backhaul can benefit from the technology.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld
Senior Vice President

CC: James Schlichting
Bruce Franca
David Furth