

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



March 3, 2005

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

Dear Ms. Dortch:

On March 3, 2005, Harold Feld of Media Access Project (representing the Champaign Urbana Wireless Network and Southern California Tribal Digital Village) spoke with John Branscome in Commissioner Abernathy's Office.

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.

Mr. Feld emphasized the importance of low power mesh to deployments by non-commercial volunteer organizations in underserved urban and suburban environments, and the need to maintain low barriers to entry for these low power devices.

Mr. Feld raised two concerns. First, that requiring low power mobile devices to receive permission to operate before using the spectrum imposed significant burdens on the deployment of low power systems in new areas where no incumbents require protection, but where no one yet exists to provide an "all clear" signal. Accordingly, they suggested that it would be more efficient and reduce overall cost if licensees transmitted a "cease operation" signal that devices must respect, rather than require devices to receive a "permission to operate" signal. The benefits of such an approach are: (a) The cost of such a signal to incumbents is relatively low; (b) by contrast, the burden imposed on those wishing to operate devices where no high power station exists to broadcast a "permission to operate" signal is total denial of service in the area until someone sets up a beacon to send the "permission to operate" signal; (c) licensees in this spectrum have received their spectrum free, and have sought and received increased flexibility, therefore requiring incumbents to bear the modest cost of operating such beacons – especially when compared to the cost to unlicensed users of requiring permission to operate – is both equitable and best serves the public interest.

If the Commission adopts the "permission to operate" approach, it must consider

how fixed, low power peer-to-peer nodes such as those deployed by CUWIN will know when they have permission to operate without recourse to a base station. Possibilities include (a) allowing any fixed node, regardless of power, to register in the database and (b) allow low power nodes to receive their "permission to operate" signal over the internet from a master database.

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: John Branscome