QUALCOMM Incorporated

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September 23, 2005

Via ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Oral Ex Parte Presentation in WT Docket No. 05-7

Dear Ms. Dortch:

On behalf of QUALCOMM Incorporated ("QUALCOMM"), this is to report that yesterday, I met with John Branscome, Acting Legal Advisor to Commissioner Abernathy to discuss QUALCOMM's Petition for Declaratory Ruling in the above-referenced proceeding.

During the discussion, I provided background information on the MediaFLO service that QUALCOMM, through its MediaFLO USA subsidiary, is launching on its Channel 55 spectrum, and I explained the vague aspects of Section 27.60 (b) (iii) of the Commission's rules for which QUALCOMM needs clarification in order to launch MediaFLO in certain markets. I explained that while the rule allows QUALCOMM to submit an engineering study to justify the proposed separations, the rule does not specify the methodology to calculate interference to affected adjacent channel or co-channel TV/DTV stations; does not establish a level of *de minimis* interference, and does not explain how the Commission would process these engineering studies. To fill in these gaps in the rule, I asked for the relief requested in QUALCOMM's Petition, namely that: (i) QUALCOMM be permitted to use the OET 69 methodology, which is well known to the Commission and the TV industry, to calculate interference; (ii) interference of 2% or less from QUALCOMM's MediaFLO service to adjacent channel or co-channel TV/DTV stations be deemed *de minimis*, the same provision that governs interference from one DTV station to another on the same Channel 55 spectrum; and (iii) the Commission adopt streamlined processing of the engineering studies.

In the course of this discussion, I stressed that Section 27.60 does not contain any "no interference" requirement. Instead, the full protection afforded to TV and DTV stations under the rule is, as the rule states, that 700 MHz licensees such as QUALCOMM must "reduce the potential for interference" to TV and DTV stations by operating in accordance with the terms of the rule. I stated that the rule simply does not say that all interference must be eliminated. I noted that the Section 27.60 (b) (iii) provides that a 700 MHz licensee such as QUALCOMM may submit an engineering study "justifying the proposed separations" between the facilities of the 700 MHz licensee and that of a TV or DTV station, a provision which can only be read to mean that there is some level of interference resulting from such separations that the Commission would find to be justified. During this discussion, I provided Mr. Branscome with the attached copy of Section 27.60.

Finally, I explained that while QUALCOMM has proposed that it be allowed to cause up to 2% interference to the over-the-air reception of TV and DTV stations, the same level of interference that a DTV station is permitted to cause to DTV or TV stations on the very same spectrum as QUALCOMM will be operating on, since the overwhelming majority of people watch TV via cable or satellite, in fact, the actual number of people who would experience interference in these markets will be a fraction of that 2%. I emphasized that the substantial benefits to the public interest that will flow from the innovative MediaFLO service more than outweigh this minimal interference.

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner
Senior Director, Government Affairs
QUALCOMM Incorporated

Cc: John Branscome