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May 23, 2006

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:

This is to report that I had a telephone phone conversation yesterday with Heather Dixon, Legal Advisor to Chairman Martin. In this conversation, I reiterated the points made in QUALCOMM's ex parte presentation of April 10, 2006. I explained that MSTV's proposal for revisions to the OET-69 methodology and the underlying D/U ratios it uses, which MSTV made in its ex parte letter of March 31, 2006, is procedurally improper because it was filed over a year after the close of the comment period on QUALCOMM's Petition for Declaratory Ruling. I also stated that for all the reasons discussed in QUALCOMM's April 10, 2006 ex parte letter, there is no technical justification for MSTV's proposal to add a "correction factor" to the D/U ratios in Part 27, which govern MediaFLO. As QUALCOMM showed in its April 10, 2006 letter, MSTV's belated proposal ignores the fundamental technical factors which establish that there is a large protective margin to the interference that MediaFLO would be predicted to cause under the OET-69 methodology and the extant Part 27 D/U ratios. The other legal and technical flaws in the MSTV proposal are discussed at length in QUALCOMM's April 10, 2006 letter.

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner
Vice President, Government Affairs

Cc: Heather Dixon, Esq.