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June 13, 2006

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

RE: Written Ex Parte Communication
WT Docket No. 05-7

Dear Ms. Dortch:

This responds to QUALCOMM's letter dated May 23, 2006, concerning its oral ex parte presentation in WT Docket No. 05-7.

In its presentation, QUALCOMM argues that MSTV's proposed revisions to the OET-69 methodology and the underlying D/U ratios it uses is procedurally improper. QUALCOMM reiterates its assertions that there is no technical justification for MSTV's proposal to use variable D/U ratios in Part 27, which govern its MediaFLO operation. Finally, QUALCOMM asserts that MSTV's proposal ignores the fundamental technical factors that, in QUALCOMM's opinion, establish a large protective margin to the interference that MediaFLO would be predicted to cause under the OET-69 methodology and the Part 27 D/U ratios.

With regard to any procedural complaints, MSTV would like to remind QUALCOMM and the Commission that it is QUALCOMM's request to operate outside of and to ignore the current Commission's rules and regulations that are at issue. These rules were established through notice and comment rulemaking and were in place and presumably fully understood by QUALCOMM when it bid on this spectrum. It is QUALCOMM that now wants to change both the methodology and the current interference protection afforded broadcasters by the rules. MSTV's position is that the current rules that provide for no interference should remain. However, if the Commission is going to permit some interference to broadcasters' viewers than that interference should be calculated in a scientifically correct manner.

As pointed out in the two technical papers attached to MSTV's March 31, 2006, letter, the D/U ratio for real-world digital television receivers is not a single value but is a function that varies depending on the field strength of the desired signal. In a "strong signal" situation the D/U needed for protection from interference is on the order of 10 dB more restrictive than the value needed in a "weak to moderate" situation that is contemplated under the DTV channel allotment process. This is the practical reality of receiver design. The two papers submitted by MSTV support this theory and, as QUALCOMM notes, the recommended ATSC A/74 DTV receiver standards recognize this fact. It is QUALCOMM not MSTV who would have the Commission "ignore" these fundamental technical facts. If there is a question with regard to the validity of these claims, MSTV notes that the FCC laboratory is more than capable of quickly performing tests on DTV receivers to confirm both the theory and the ATSC data.

QUALCOMM, in its referenced letter, also claims that in many cases low power television (LPTV) stations have been allowed to use the OET-69 methodology and the existing D/U ratios to locate their stations within the Grade B contour of an adjacent channel station. This is not true. Under the FCC rules, digital LPTV stations must meet a D/U ratio of –12 dB or better. This is significantly more stringent than the –26 dB for full power television stations or the –23 dB specified under Part 27. Moreover, the LPTV standard may show more interference than the alternative methodology proposed by MSTV.

With regard to QUALCOMM's claim that there is a large protective margin under the OET-69 procedures and the extant Part 27 D/U ratios, MSTV reiterates that the OET-69 methodology was not intended to take into account high-powered operations located within the service area. Rather than providing a "large margin," the appropriate protections need to be increased on the order of 10 dB beyond the current OET-69 levels, as noted in the two technical papers submitted and the ATSC recommendations and measurements. Finally, while the Part 27 D/U is 3 dB more protective than the Part 74 D/U, this additional 3 dB was adopted by the Commission to take into account the fact that different modulation schemes will be used by Part 27 and Part 74 operations and it is not an unnecessary or additional protection margin as asserted by QUALCOMM.

MSTV continues to urge that the Commission maintain the current no interference standard that was established for operations under Part 27. We believe that this is the most appropriate approach. That new services and operations should protect existing services has been a long-standing policy of the Commission. This policy should not be abandoned in the instant case. MSTV urges that any interference analysis be computed correctly so that the Commission can accurately assess the amount of interference and to make sure it is not substantially more than the lawmakers believe they are permitting. This will require an accurate interference methodology. It will also require the FCC to determine the location of QUALCOMM's transmission towers, prior to making a decision in this proceeding.

Sincerely,

David L. Donovan
President

CC: The Honorable Kevin J. Martin
The Honorable Jonathan S. Adelstein
The Honorable Michael J. Copps
The Honorable Robert M. McDowell
The Honorable Deborah Taylor Tate
Bureau Chief Donna C. Gregg, Media Bureau
Deputy Chief Julius P. Knapp, Office of Engineering & Technology
Acting Bureau Chief Catherine W. Seidel, Wireless Telecommunications Bureau