

3 October 2006

Ex Parte

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

Re: Unlicensed Operation in the TV Broadcast Bands, ET Docket No. 04-186

Dear Ms. Dortch:

On 2 October 2006, Kerry Murray of Dell, Paula Boyd of Microsoft, Michael Calabrese of the New America Foundation, and undersigned counsel, on behalf of Dell, HP, Intel, Microsoft, the New America Foundation, met with Fred Campbell, legal advisor to Chairman Martin.

In this meeting, we expressed support for the Public Notice issued in this proceeding on September 11th, including the timetable outlined by OET. We also urged that unused spectrum amongst the television broadcast channels (the “white spaces”) be made available solely for use by unlicensed devices, and that the Commission not consider allocating these frequencies for licensed services. More specifically, we said that:

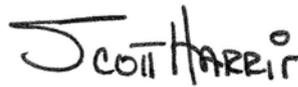
- (a) Unlicensed use is by the far the highest value use of the white spaces. All of the widely anticipated uses of the white spaces, such as rural wireless broadband service (most likely to be provided by rural LECs), in-home media and entertainment applications, in-office high data rate LANs, and community mesh networks, are best implemented in an unlicensed regime.
- (b) Because the white spaces appear to be the only spectrum below 1 GHz available for use by unlicensed devices, and because the propagation characteristics of this spectrum are so favorable, it is critical that the Commission propose only unlicensed use of the white spaces.
- (c) The Commission has already indicated, and the existing record supports the conclusion, that unlicensed use of the white spaces is in the public interest if licensed services are adequately protected.

(d) Unlicensed devices operating in the white spaces would have a legal obligation to protect all licensed services from interference; licensed services operating in the white spaces would have no such obligation.

(e) Any attempt to craft licensing rules for the white spaces would inevitably delay use of that spectrum until long after 2009 and potentially undermine the delivery of important services and technologies to consumers.

Please let me know if you have any questions about this filing.

Sincerely yours,

A handwritten signature in black ink that reads "SCOTT HARRIS". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Scott Blake Harris

cc: Fred Campbell