



**NEW AMERICA**  
FOUNDATION

January 25, 2007

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

Re: *Notice of Ex parte* meeting in MM Docket No. 87-268 and ET Docket No. 04-186

Dear Ms. Dortch:

On January 24, 2007, Jim Snider, Naveen Lakshmiathy, and Jeff Meyer of the New America Foundation (collectively “NAF”) met with Andrew Long, Gordon Godfrey, Eloise Gore, Wayne T. McKee, Keith Larson, and John Gabrysch of MB and Alan Stillwell of OET to discuss issues relating the DTV transition and ongoing channel allotment process (MM Docket No. 87-268) and its effects on ET Docket No. 04-186 on Unlicensed Operation in the TV Broadcast Bands.

NAF expressed concern at the potential for minor modifications in broadcasters’ power levels, made as part of the DTV channel allotment process, to diminish the “white space” potentially available for unlicensed devices through ET Docket No. 04-186. NAF noted that according to Appendix D: Valuation of Guard Band Spectrum Acquired by Broadcasters (1997-2004) of J.H. Snider’s book, *Speak Softly and Carry a Big Stick* (iUniverse, 2005), broadcasters have received approximately \$6 billion of white space spectrum from the U.S. government without any compensation to the public. NAF also observed that granting broadcasters more white space comes at a huge opportunity cost to the America public in terms of lost unlicensed service (see attachment, “The Economic Case for Re-Allocating the Unused Spectrum [White Space] Between TV Channels 2 and 51 to Unlicensed Service”).

NAF also inquired about potential unsettled allocation issues in the TV band following the 2009 end date for the DTV transition, including the digital transition of LPTV and translators.

Finally, NAF inquired about the timing of the Third Periodic Review of the DTV Transition, and whether the FCC will consider adopting the AVSB broadcast standard.

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 any questions, please do not hesitate to contact me.

Respectfully Submitted,

J.H. Snider  
Research Director, Wireless Future Program  
New America Foundation

cc:

Andrew Long  
Stillwell

Eloise Gore

Wayne T. McKee Alan

Gordon Godfrey

Keith Larson

John Gabrysch