

September 18, 2007



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

Re: Notice of Oral *Ex Parte* Presentation in OET Docket No.
04-186

Dear Ms. Dortch:

On September 17, 2007, Harold Feld of the Media Access Project, Shawn Chang of Free Press, and Michael Calabrese and Sascha Meinrath of New America Foundation, met Bruce Gottleib, wireless advisor to Commissioner Copps.

NAF, *et al.*, observed that NAF, in collaboration with the University of Kansas, had submitted independent sensing data. NAF and the University of Kansas believe that further research conducted over the next two months will provide additional information and rebut allegations by NAB and others that the failure of the Microsoft prototype demonstrates that unlicensed devices cannot operate in the white spaces without causing harmful interference to incumbents. Accordingly, NAF, *et al.*, ask that the Commission delay action on a final Order until December or January 2008 to allow NAF, *et al.*, to complete its studies and to provide sufficient time for OET to verify the results.

NAF, *et al.*, urged that the Commission should not attempt to decide on standards for fixed unlicensed use and defer rules for mobile use to a further rulemaking. Because the standards for fixed and mobile will inform one another, it makes no sense to address them in separate proceedings.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 CFR §1.1206, this letter is being filed with your office.

Respectfully submitted,

/s/

Harold Feld
Senior Vice President

cc: Bruce Gottlieb