



October 10, 2007

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Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12 Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Communication,
ET Docket Nos. 04-186, 02-380

Dear Ms. Dortch:

On October 9, 2007, David Donovan, president of the Association for Maximum Service Television, Inc. (MSTV) and Bruce Franca, MSTV's vice president for policy and technology met with Rudy Brioché, legal advisor to Commissioner Adelstein with regard to the above-captioned proceeding.

During this meeting, Mr. Franca and Mr. Donovan presented an analysis of the recent filing of field test data submitted by Microsoft and Philips. Mr. Franca pointed out the fact that contrary to Microsoft's assertions, the data submitted clearly confirms and shows sensing at -114 dBm level proposed by the so-called White Spaces Coalition is inadequate to protect TV viewers. In fact, the Microsoft test data shows a white spaces device would have failed to detect TV signals at six of the eleven sites tested even though there was a viewable DTV signal with a typical consumer TV antenna at each of these six sites. Mr. Franca and Mr. Donovan also pointed out a number of other misstatements and mischaracterizations made in the Microsoft *ex parte* presentation. Mr. Franca also discussed technical matters related to unlicensed fixed operation. The attached memo was submitted for the record.

In addition, Mr. Donovan presented Mr. Brioché with a copy of the rules for the operation of a rural broadband service in Canada. Unlike the United States, Canada has used TV white spaces to deploy fixed rural broadband systems.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Donovan", is written over a large, stylized, light-colored scribble or watermark.

David Donovan

CC: Rudy Brioché