



February 8, 2008

P.O. Box 9897
4100 Wisconsin Avenue, NW
Washington, DC 20016

Tel (202) 966-1956
Fax (202) 966-9617

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 February 5, 2008, Mr. David Donovan, president, and Mr. Bruce Franca, vice president for policy and technology, of the Association for Maximum Service Television ("MSTV"), met with Commissioner Adelstein and his legal advisors Rudy Brioché and Renee Crittendon, with regard to the above-captioned proceeding.

The discussion focused on the tests currently being conducted by OET along with MSTV's previously submitted proposals to help improve and provide for more thorough testing. We referenced two letters, previous submitted in this proceeding, outlining our testing proposals. We also presented the attached power point presentation, which summarizes the various devices that had been submitted for testing and highlights our concerns with the current test plan. We also discussed the level of Congressional concern. Copies of the congressional correspondence, sent previously to the Commission, were presented.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Donovan", is written over a horizontal line. The signature is stylized and cursive.

David Donovan
President

cc: Commissioner Adelstein
Rudy Brioché
Renee Crittendon