ASSOCIATION FOR **MAXIMUM SERVICE TELEVISION, INC.** MSTV

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March 13, 2008

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

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

Dear Ms. Dortch:

On Wednesday, March 12, 2008, David Donovan, president of the Association for Maximum Service Television, Inc. ("MSTV"), Victor Tawil, MSTV's senior vice president, and Bruce Franca, MSTV's vice president for policy and technology, met with the following staff from the OET: Julius Knapp, Alan Stillwell, Bruce Romano, Ira Keltz, Ahmed Lahjouji, Geraldine Matise and Saurbh Chhabra (Rashmi Doshi and Steven Jones participated via phone call), regarding the above-captioned proceeding.

At the meeting, we discussed Motorola's White Spaces Devices proposal. As noted in the attached presentation, we discussed the inconsistency between Motorola's proposal and previous filings. We discussed our observations of the lab tests. We noted the "false positive" problems with devices that were tested in the lab. In other words, the devices recorded that channels were occupied when they were in fact vacant. It appears the devices were so sensitive that they sensed their own internal emissions or background noise. We also noted that on several occasions the devices recorded a channel as being vacant when it was in fact occupied.

Given these problems, we discussed whether the Commission could be confident of learning anything new from further testing of the devices. We observed that it would be difficult to use information from these devices to draft rules, if you cannot determine how they operate.

We also noted that several device proponents requested that the lab not test their devices at signal levels higher than about -28 dBm. We observed that signal levels within approximately 10 kilometers of a broadcast tower often exceed this signal strength. Accordingly, the failure to test at these higher signal levels provides an incomplete record

of the performance of these devices. In other words, the device will overload and not work in strong signal environments.

Finally, we noted that based on lab tests, two of the devices failed to sense wireless microphones in the presence of DTV signals operating on an adjacent channel. As a result, the lab has no devices that can properly sense wireless microphones. Given these failures, we questioned how the FCC would approach gleaning additional information about how to protect wireless microphones.

A copy of the materials submitted regarding the Motorola proposal is attached hereto.

Sincerely,

David L. Donovan