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EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: ET Docket Nos. 04-186 and 02-380

Dear Ms. Dortch:

On July 16, 2008, William Check, PhD., Senior Vice President, Science and Technology, National Cable & Telecommunications Association (NCTA), Andy Scott, Vice President of Engineering, NCTA and I met with Julius Knapp, Chief, FCC Office of Engineering and Technology (OET), Alan Stillwell, Deputy Chief, OET, and Ira Keltz, Deputy Chief, OET, to reiterate the cable industry's concerns about the potential for harmful interference to cable channel viewing if unlicensed devices are permitted to operate as currently proposed in unused TV broadcast spectrum ("white spaces"). NCTA also briefly addressed the implications for cable systems from a proposal submitted by FiberTower Corporation and the Rural Telecommunications Group, Inc. for the licensing of new fixed services in this spectrum.

Regarding unlicensed devices, we reviewed the high likelihood that personal, portable TV band devices with high output power will cause harmful interference to cable customers' viewing of cable channels. We discussed the importance of significantly lowering the power output level of such devices, consistent with the FCC's Laboratory tests, which closely correlate to the predictions in a technical analysis by David Large Consultants, Inc., attached to NCTA's March 2, 2007 reply comments. The Laboratory's direct pickup interference tests demonstrated that proposed devices operating at an effective isotropic radiated power (EIRP) as low as 6.3 dBm (4.26 mW) can cause interference to cable reception at a distance of 2 meters.

As NCTA has previously stated in this proceeding, to avoid potential direct pickup interference from fixed TV band devices, the Commission must ensure that the minimum distance between any fixed 1W unlicensed transmitter and the external wall of a residential building be at least 400 feet, assuming UHF operation only (absent a special showing that greater building attenuation justifies closer spacing). Given lower probable attenuation by building walls, combined with evidence of poorer receiver shielding at VHF (and especially low-VHF)

channels, a greater distance will be required to avoid interference if the Commission permits operation on those channels.

In addition, as we have addressed in various comments, personal, portable devices, as presently proposed, have the potential to interfere with the reception of broadcast signals at cable headend antenna sites outside major metropolitan areas where signals are received well beyond the predicted Grade B contour of television broadcast stations. Given the lower signal levels in these areas, high-gain antennas often mounted on very high towers are necessary in order to pick up weak distant broadcast signals which can not be detected by the signal sensing mechanism in portable devices operating at ground level. This is substantiated in the Large engineering analysis and the Laboratory test results on the prototype device. At a minimum, there is a need to combine signal sensing with a geo-location database system to mitigate this type of interference.

Sincerely,

/s/ Neal M. Goldberg

Neal M. Goldberg
Vice President and General Counsel

cc: Julius Knapp
Alan Stillwell
Ira Keltz