

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



August 22, 2008

Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
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Washington, DC 20554

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

Dear Ms. Dortch:

On August 21, 2008, Mr. Bruce Franca of the Association for Maximum Service Television (MSTV) met with Mr. Julius Knapp, Mr. Alan Stillwell, Ms. Geraldine Matise and Mr. Bruce Romano of the Office of Engineering and Technology (OET).

Mr. Franca discussed the results of recent field testing in this proceeding. Mr. Franca pointed out that the results conclusively show that all of the tested devices failed to correctly identify whether TV channels were occupied or vacant. The test results also show that the devices could not correctly detect wireless microphone operation either at FedEx Field or the Majestic Theater. Mr. Franca also noted that the field tests raise cable interference issues and confirm OET's earlier testing in this area.

Mr. Franca reiterated MSTV's support for a geolocation based solution based on sound engineering and testing, such as proposed by IEEE 802.22, that avoids use of co- and first-adjacent channels. He also noted that the test results confirm MSTV analysis that Motorola's proposed power computations will not protect TV viewers in all situations, especially in urban areas close to the DTV transmitter where population and the potential for interference is the greatest. Finally, Mr. Franca indicated MSTV's opposition to use of a beacon to protect broadcasters' licensed wireless microphone operations. Mr. Franca noted *inter alia* that since the devices failed to correctly detect high power TV operations there is little or no likelihood that such devices can correctly detect low power beacons. He also indicated that such a beacon is contrary to regulatory status of Part 15 devices and that the burden of protecting licensed operations should rest solely with the Part 15 device manufacturer and user.

Respectfully submitted,


Bruce Franca
VP, Policy and Technology

cc:
Julius Knapp
Alan Stillwell
Geraldine Matise
Bruce Romano