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

**September 19, 2008**

**Re: Notice of *Ex Parte* Presentation**

**RE: ET Docket 04-186; ET Docket 02-380**

Dear Ms. Dortch,

This letter is to advise you, in accordance with Section 1.1206(b) of the Commission's rules, that on September 17, 2008, Ben Scott and Derek Turner of Free Press met with Chairman Kevin Martin and his chief of staff, Dan Gonzalez.

We discussed the status of the aforementioned proceedings regarding the so-called broadcast "white spaces." We reiterated our position that the Commission should move forward—based on data from testing—with an Order confirming that the white spaces should be unlicensed and used by both fixed and mobile wireless broadband services. We discussed the history of the proceeding dating back to 2004, recalling the rationale at the time was to promote new opportunities for broadband competition. We expressed our hope that the FCC would clearly identify that this round of testing on prototype devices is a proof of concept phase – not device certification. The Commission has made an admirable effort to ensure that interference issues are addressed. We feel that this proceeding is ripe for moving forward given the fact that the agency will still conduct device certification at a future date.

The broadband competition problems that exist in the market today remain an urgent problem for the Commission to address to promote social and economic progress for the nation. We urged the Chairman to keep this in mind as he reviews this proceeding in the coming weeks.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Scott", with a long horizontal line extending to the right.

Ben Scott, Policy Director  
Free Press, Washington Office  
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