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September 24, 2008

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, DC 20554

Re: **Ex Parte Presentation**
ET Docket Nos. 04-186 and 02-380

Dear Ms. Dortch:

On Tuesday afternoon, September 23, the MSTV directors and representatives listed in the attachment met with (1) Commissioner Robert McDowell and his advisors Angela Giancarlo and Rosemary Harold, (2) Rick Chessen, Media Advisor to Commissioner Copps, (3) Commissioner Jonathan Adelstein and his advisor, Rudy Brioché, and (4) Commissioner Deborah Tate and her advisor, Wayne Leighton, to discuss the above designated white spaces proceeding.

The MSTV group particularly addressed the results of the OET white spaces tests and possible approaches for resolving the issues involved in the white spaces proceeding. It made the following specific points:

- Rural broadband uses, possibly under a light licensing regime, which broadcasters have not opposed, could have been authorized earlier. Their authorization has been unjustifiably held up by linkage to possible authorization of unlicensed mobile and portable devices intended for use in congested urban areas (even though these latter uses could interfere with the fixed broadband uses).
- OET's tests demonstrate that sensing is a dead-end technology and should not be authorized.
- On the other hand, geolocation can be a basis for authorizing unlicensed devices if it is accompanied by (1) a complete, reliable, and continually updated data base, (2) a viable solution for continued use of licensed wireless microphones, (3)

effective protection for cable operations on all channels, (4) effective protection for the public's broadcast service on first-adjacent channels, and (5) a rigorous certification regime -- all of which we believe are achievable goals.

- With respect to continued licensed wireless microphone operation, MSTV has worked and is working closely with that community and supports the need for a set-aside of TV spectrum (as has been suggested by parties on both side of this proceeding) plus certain other protections for licensed wireless microphone operations, such as ensuring that sports venues, large new events, like political conventions, and program production sites are included in the geolocation database.
- With respect to protection of cable television services, MSTV pointed out that, based on both industry and FCC testing, the cable industry has advocated a 10 milliwatt power limitation on all channels in order to protect cable viewers.
- With respect to protection of the public's broadcast service from first adjacent-channel interference, receiver tests by the FCC and others have shown that a reduction in power substantially *below* 10 milliwatts will be required. MSTV stated its willingness to work with the Commission on developing a power limitation consistent with these findings. This adjacent-channel protection requirement should not be treated as a matter of political compromise, but rather as a matter of science and fact, with viewer interests paramount.

The MSTV group also emphasized its commitment to working with the Commission and the industry to address the issues -- relating to converter boxes, antennas and coverage -- that were highlighted by the early Wilmington cut-over to all digital transmissions.

We would be pleased to respond to any questions you may have about this notice.

Respectfully submitted,

/s/

Jonathan D. Blake
Counsel to MSTV

cc: Commissioner McDowell
Angela Giancarlo
Rosemary Harold
Rick Chessen
Commissioner Adelstein
Rudy Brioché
Commissioner Tate
Wayne Leighton
David Donovan
Victor Tawil
Bruce Franca

ATTACHMENT

1. William F. Duhamel, President & CEO, Duhamel Broadcasting Enterprises
2. Martin D. Franks, Exec. VP, Planning Policy & Govt. Relations, CBS Corporation
3. Robert W. Hubbard, President & CEO, Hubbard Television Group
4. David T. Lougee, President, Gannett Broadcasting
5. Vincent L. Sadusky, President & CEO, LIN TV Corporation
6. Sterling Davis, Vice President, Engineering, Cox Broadcasting
7. David L. Donovan, President, MSTV
8. Victor Tawil, Senior Vice President, MSTV
9. Bruce Franca, Vice President, Policy & Technology, MSTV
10. Jonathan Blake, Esq., Covington & Burling, MSTV Legal Counsel