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

October 1, 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 29, 2008, Ben Scott, Marvin Ammori, and Chris Riley of Free Press met with Chairman Kevin Martin, Dan Gonzalez and Tamara Lipper.

We discussed the status of the proceedings listed above regarding the unassigned and underutilized white spaces in the broadcast band. We reiterated our position that the Commission should move forward with an Order confirming that the white spaces should be unlicensed and used by both fixed and mobile wireless broadband services.

We emphasized that, despite arguments meant to confuse the issue, the FCC's current testing of unlicensed devices is designed to determine the proof-of-concept viability of white spaces devices. This proof-of-concept phase of testing is different from, and precedes, the later phase of device certification; the agency can and will conduct device certification at a future date. The Commission has made an admirable effort to ensure that interference issues are addressed even now, long before the certification phase. As the testing has shown that interference problems can be addressed as a proof-of-concept, this proceeding is ripe for moving forward.

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 flourish extending to the right.

Ben Scott, Policy Director
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