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

P.O. Box 9897
4100 Wisconsin Avenue, NW
Washington, DC 20016

Tel (202) 966-1956
Fax (202) 966-9617

October 9, 2008

Via Electronic Filing

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

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

Dear Ms. Dortch:

On Wednesday, October 8, 2008, David L. Donovan and Bruce Franca met with Angela Giancarlo, Sr. Legal Advisor to Commissionner Robert McDowell. During the meeting we discussed several critical issues.

We observed that based on the FCC tests, sensing was not a viable mechanism for avoiding interference. The devices failed to consistently sense operating television signals and wireless microphones. We observed that, if properly administrered, geolocation is the only viable option for protecting over-the-air television viewers.

We noted that plans by white spaces advocates to operate on first adjacent channels would cause interference to over-the-air television signals. Operations on the first adjacent channel should be limited. There should be no first adjacent channel operation for fixed unlicensed devices. Personal and portable devices operating on the first adjacent channel should be limited to no more than 5 miliwatts. We supported the 10 miliwatt adjacent power limit proposed by NCTA for the remaining adjacent channels.

Finally we supported the safe harbor set aside approach to protect licensed wireless microphones used for live news coverage and sporting events.

A copy of MSTV's propsal is included in attached slides which were presented to Ms. Giancarlo.

Sincerely,

David Donovan
President

MSTV

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White Space Proposal

A Solution Supported by the Science and Test Results

October 7, 2008

Background

- Broadcasters have supported and continue to support rural broadband deployment
  - Rural broadband deployment is being delayed as FCC waits for White spaces proponents to develop workable technology
  - Personal/portable devices and "sensing" technology are not necessary for the deployment of rural broadband systems

Test Results

- Laboratory and field tests demonstrate that "sensing" is not an effective means of avoiding interference to TV reception or wireless microphones
  - Even in limited laboratory and field tests, all devices failed to accurately detect whether channels are occupied or vacant

- Cable DPU interference was observed in the laboratory and the field

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Solution Possible

- Solution needs to be based on the science and test results
  - A single "one size fits all" approach will not provide solution
- Geolocation (as opposed to sensing) can provide co-channel interference protection to TV viewers
- However, solutions needed for other interference mechanisms:
  - Adjacent channel interference to over-the-air viewers
  - Cable TV DPU interference
  - Continued operation of licensed wireless microphones
- Must have effective interference resolution and enforcement mechanisms

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Solution Framework

- All white space operations based on geo-location and "trusted" database to protect all incumbent operations
  - Protection should include all TV, Class A, LPTV and translator operations, TV production and studios, cable head ends, satellite receive sites, sports and entertainment (such as Broadway) venues, etc.
  - Safe harbor/limited number of TV channels set aside for licensed wireless microphones
  - Beacons are not a viable option to protect wireless microphones used in news gathering

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Solution Framework

- Broadband High Power Fixed Use
  - High power fixed permitted under Part 90 "light licensing" (ala 3650 MHz)
  - No transmission on co- or adjacent TV channels to protect TV viewers (and licensed wireless microphones on adjacent channels)
  - Professional installation/licensing to protect cable viewers
- Part 15 Unlicensed Use
  - No transmission on co-channel TV operation to protect TV viewers
  - Max. 10 mW to protect cable viewers
  - Max. 5 mW on first adjacent to *minimize* interference to TV viewers (Generally, permits device to operate with more power than Motorola proposed calculations)

Summary

- White space solution should include:
  - Geo-location
  - Trusted data base
  - Safe harbor for wireless microphones
  - Interference resolution and enforcement mechanisms
- White space solutions should not include :
  - Sensing
  - Beacon