



October 24, 2008

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington DC 20554

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

Dear Ms. Dortch:

Today, David K. Rehr, President and CEO, National Association of Broadcasters (NAB), and the undersigned met with Commissioner Deborah Taylor Tate and her advisor Wayne Leighton. At that meeting we made the following points:

- On October 15, the Office of Engineering and Technology (OET) released a 400 page technical report on its testing of unlicensed devices. The same day, Chairman Martin announced he would place this item on the Nov. 4 agenda for a vote on final rules authorizing their use in the television bands.
- This plan is inconsistent with the FCC's established process for seeking public comment on technical reports before issuing final rules.
- Moreover, parties have not had an opportunity to examine proposed power limitations for unlicensed devices.
- Because these devices are unlicensed, the FCC should proceed with extra care, and not throw the future of digital television into jeopardy.

To be clear, broadcasters do not oppose the use of vacant channels in the television broadcast bands. We support the concept of geolocation in combination with an accurate database as a method of avoiding interference.

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Sensing alone, as the OET actual data shows, is not for adequate interference protection. As such, the Commission should not move forward with its November 4 vote. Instead, the Commission should first place the OET report out for public comment.

Please direct any questions to the undersigned.

Respectfully submitted,

A handwritten signature in black ink. It features a stylized, large 'A' followed by a horizontal line and the name 'Bobeck' written in a cursive, handwritten style.

Ann West Bobeck  
Associate General Counsel  
Legal and Regulatory Affairs

cc: Wayne Leighton