

October 27, 2008



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

Re: ET Docket No. 04-186
Notice of Oral Ex Parte Presentation

Dear Ms. Dortch:

On October 24, 2008, Harold Feld of the Media Access Project, Shawn Chang of Free Press, Michael Calabrese of New America Foundation, Jef Pearlman of Public Knowledge, and Alex Curtis of Public Knowledge (collectively “Public Interest Spectrum Coalition” or “PISC”) met with Bruce Gottlieb, Wireless Advisor to Commissioner Copps, with regard to the above captions proceeding. PISC met separately with Renee Crittendon, Wireless Advisor to Commissioner Adelstein.

PISC noted that the OET power limits were, in fact, fairly conservative based on the evidence submitted into the record – including the independent engineering analysis conducted and previously submitted by New America Foundation. With regard to the issue of accountability for possible interference, PISC noted that it is difficult to take the claims of NAB/MSTV seriously when they have expressed no concern with the over 1 million unauthorized mobile wireless microphones operating on broadcast channels – at higher power and with no interference mitigation technology.

Indeed, NAB/MSTV recently proposed expanding the wireless microphone service. Under NAB/MSTV’s proposal in OET Docket Nos. 08-166, 08-167, millions of new users – whether church goers, elementary school drama clubs, or street performing musicians involved in “music production” – would operate on adjacent channels at more than *five times the power* proposed for white space devices operating on adjacent channels. Apparently, the signals of political allies do not cause interference on adjacent channels.

In any event, the use of a geolocation database provides an effective “kill switch” for devices operating at the higher power permitted such devices. This is more than sufficient to mitigate any remaining risk of harmful interference. PISC expressed concern, however, that control of the geolocation database could be used to restrict access, or could impose significant costs on non-commercial community wireless providers. PISC recommended that the Commission manage the database or, in the alternative, limit charges by a private manager to cost recovery.

PISC expressed support for the Google proposal to permit variable power limits, allowing the potential for transmit power above 40 mW on adjacent channels in locations where the relevant DTV signal(s) are very strong. This can be detected accurately through sensing and/or recorded in the geolocation database, particularly as it gets more granular. At a minimum, the FCC should leave this open for future testing and consideration, since it is clearly feasible technically.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 CFR §1.1206, this letter is being filed with your office.

Respectfully submitted,

/s/

Harold Feld
Senior Vice President

cc: Bruce Gottlieb
Renee Crittendon