



VIA ELECTRONIC FILING

October 28, 2008

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

RE: Authorized Ex Parte Communications: Unlicensed Operation in the TV Broadcast Bands (ET Dockets No. 04-186 and 02-380)

Dear Ms. Dortch:

On Monday, October 27, 2008, David L. Donovan, president of the Association for Maximum Service Television (“MSTV”), Bruce Franca, V.P. Technology and Policy and Victor Tawil, MSTV’s senior vice president, spoke by telephone with Angela Giancarlo legal assistant to Commissioner Robert McDowell.

Based on press accounts we express concerns over two issues. We emphasized our interference concerns with placing 40 milliwatt unlicensed devices on the first adjacent channel. We also noted that there is no justification for proposing a process to approve devices that rely exclusively on sensing to avoid interference. No documents were exchanged or submitted.

Sincerely,

/s/

David L. Donovan
President
Association for maximum Service Television, Inc
(202) 966-1956