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ATTORNEYS AT LAW

October 31, 2008

Ex Parte

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

Re: Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, ET Doc. Nos. 04-186 and 02-380

Dear Ms. Dortch:

The White Spaces Coalition (“Coalition”) hereby responds briefly to an ex parte letter recently filed by the National Cable & Telecommunications Association that, among other things, asks the Commission to restrict transmit power for personal/portable white space operations to “significantly less” than 100 mW to avoid interference with cable systems.¹ As the record in this proceeding makes clear, such action would inhibit broadband access and innovative white spaces applications, and is completely unnecessary.

Most significantly, the Office of Engineering and Technology already has examined a personal/portable test device with transmission capability of over 100 mW, and has concluded that the “proof of concept” for white space device operations has been met.² For example, when OET examined potential cable interference at a test site set up with digital cable and adequate cabling coming from the wall outlet, it found that “[n]o interference was observed until the transmit antenna was moved very close to the converter box (within 0.3 meters)” and that “[t]he cable converter set-top box operating in QAM mode was almost immune to interference” from the test device even when the test device transmitted at approximately 150 mW.³

¹ See Ex Parte Letter for National Cable & Telecommunications Association, ET Docket Nos. 04-186, 02-380 at 2 (dated Oct. 28, 2008). Although this letter has proposed additional operating parameters, the Coalition and others have already addressed these proposals in the white spaces docket.

² See generally Steven K. Jones *et al.*, Evaluation of the Performance of Prototype TV-Band White Space Devices Phase II, OET Report FCC/OET 08-TR-1005 (2008).

³ *Id.* at 35. NCTA has cited potential interference concerns with analog cable signals, but as the Commission observed in the Digital Carriage Third Report and Order, the “ongoing and accelerating move by consumers to digital cable will continue for the remainder of the [DTV] transition,” and “many operators are promoting the subscriber-level switch to digital.” *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission’s Rules*, Third Report and Order and Third Further Notice of Proposed Rulemaking, 22 FCC

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Moreover, it does not appear that many cable systems have inadequate cabling or other improper installations that would give rise to the interference concerns NCTA has raised. Indeed, cable television systems now make use of frequencies up to 1 GHz,⁴ and other existing wireless operations, including cellular devices transmitting in the 800 Mhz band at powers many times the power levels proposed for personal/portable white space operations, do not appear to have resulted in interference complaints. More fundamentally, as the Coalition previously has explained, even if direct pickup interference is an issue, cable companies will need to address it in any event because licensed devices using 700 MHz spectrum will soon begin transmitting on frequencies that correspond to cable channels, again at powers potentially well in excess of those proposed for personal/portable white space operations.⁵

In short, neither OET's findings nor the actual experience of cable operators seem to suggest that direct pickup interference to cable systems will be an issue for personal/portable white space operations. Even assuming that it is, it is an issue that cable companies undoubtedly already are addressing as they continue to switch to all-digital systems, and as they replace any cabling that would be vulnerable to interference from licensed 700 MHz devices that will soon begin operations.

Pursuant to the Commission's rules, a copy of this notice is being filed electronically in the above-referenced dockets. If you require any additional information please contact the undersigned.

Sincerely yours,



Edmond J. Thomas
Senior Technology Policy Advisor

Rcd. 21064, 21079 (¶ 32 n. 101) (2007). Indeed, NCTA's own figures demonstrate that there has been over a 300% increase in digital subscribership in recent years. *See, e.g.*, <http://www.ncta.com/Statistic/Statistic/DigitalCableCustomers.aspx>. Thus, it is highly likely that the Commission's "dual carriage" requirement for providers that do not yet operate all-digital systems to carry analog signals will sunset in 2012. *See* 22 FCC Rcd. at 21070.

⁴ *See, e.g.*, Jeff Baumgartner, *Cox Makes 1 GHz Moves*, Cable Digital News, Nov. 12, 2007, available at http://www.lightreading.com/document.asp?doc_id=138717&site=cdn.

⁵ *See, e.g.*, Reply Comments of the White Spaces Coalition, ET Docket No. 04-186, at 5 (filed Aug. 27, 2007).