

November 3, 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 31, 2008, Harold Feld of Media Access Project spoke with Commissioner Adelstein and Renee Crittendon, Wireless Advisor to Commissioner Adelstein, with regard to the above captioned proceeding.

Feld reiterated PISC's *unequivocal* opposition to Part 101-type licensing in the broadcast white spaces, now or at any future time. Part 101-type licensing would operate at power levels sufficiently high to eliminate the ability of unlicensed devices relying on sensing to operate in nearby bands. Proposals to permit licensing-lite on third adjacent channels appear more promising as occupying a "middle ground" that would permit operation at higher power in rural areas to the benefit of providers, but run the risk of creating regulatory uncertainty which would deter investment and deployment.

PISC therefore strongly recommends that the Commission explore the question of higher power for rural backhaul in a separate proceeding, and only after permitting unlicensed access by resolving the rules for Docket No. 04-186. Unlicensed access to the band at the proposed 4-watt limit for fixed would help to provide needed backhaul for rural networks, while maintaining flexibility for mesh and Wimax-type deployments. Further assistance could be given to rural providers by approval of variable power proposals advanced by Google, PISC and others. In short, while PISC would support looking at how to provide increased power for rural backhaul, but only in a manner consistent with approval of devices in 04-186.

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: Commissioner Adelstein
Renee Crittendon