



**National Cable & Telecommunications Association**  
25 Massachusetts Avenue, NW – Suite 100  
Washington, DC 20001  
(202) 222-2300

www.ncta.com

**Daniel L. Brenner**  
Senior Vice President  
Law & Regulatory Policy

(202) 222-2445  
(202) 222-2448 Fax

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**EX PARTE**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: ET Docket Nos. 04-186 and 02-380**

Dear Ms. Dortch:

On October 31, 2008, William Check, Senior Vice President, Science & Technology, Andy Scott, Vice President of Engineering, Loretta Polk, Vice President & Associate General Counsel, and the undersigned from the National Cable & Telecommunications Association (NCTA), had a phone conversation with Wayne Leighton, Special Advisor to Commissioner Deborah T. Tate, regarding the above-captioned proceeding.

We reiterated the cable industry's concern that a "white spaces" device operating at 100 mW, even at a significant distance from a cable-connected television set, will cause harmful interference to cable reception in the home, particularly in multi-dwelling unit buildings where neighbors share common walls. We discussed the OET report's findings on cable interference, which confirmed earlier lab test results and NCTA's technical analysis and urged a significant lowering of the output power of white spaces devices to mitigate such interference. We also noted that the Commission should proceed cautiously by carefully balancing the desire to authorize new devices with protecting consumers from harmful interference to their cable service.

Sincerely,

**/s/ Daniel L. Brenner**

Daniel L. Brenner

cc: W. Leighton