

HARRY F. COLE
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
JOSEPH M. DI SCIPIO
PAUL J. FELDMAN
JEFFREY J. GEE
KEVIN M. GOLDBERG
FRANK R. JAZZO
M. SCOTT JOHNSON
MITCHELL LAZARUS
STEPHEN T. LOVELADY*
SUSAN A. MARSHALL
HARRY C. MARTIN
MICHELLE McCLURE*
MATTHEW H. McCORMICK*
FRANCISCO R. MONTERO
PATRICK A. MURCK
LEE G. PETRO*
RAYMOND J. QUIANZON
MICHAEL W. RICHARDS*
JAMES P. RILEY
DAVINA S. SASHKIN
PETER TANNENWALD*
KATHLEEN VICTORY
HOWARD M. WEISS
RONALD P. WHITWORTH

* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW
11th FLOOR, 1300 NORTH 17th STREET
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400

FAX: (703) 813-0486

www.fhhlaw.com

RETIRED MEMBERS
RICHARD HILDRETH
GEORGE PETRUTSAS
CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)
OF COUNSEL
ALAN C. CAMPBELL
DONALD J. EVANS
ROBERT M. GURSS*
RICHARD F. SWIFT*
WRITER'S DIRECT
703-812-0404
TANNENWALD@FHHLAW.COM

November 5, 2008

Electronic Filing via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, DC 20554

Re: Report of Ex Parte Oral Communications
ET Docket Nos. 04-186 and 02-380.
Unlicensed Operation in the TV Bands

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's Rules, the **Community Broadcasters Association** ("CBA") hereby reports that a telephone call was held with two members of the Commission's Staff with respect to this matter. The call was held the afternoon of October 31, 2008, prior to the 5:30 p.m. EDT cut-off time for *ex parte* communications.

CBA is the trade association of the nation's Class A and Low Power Television stations. It was represented on the call by Gregory J. Herman, Vice-President/Technology, and Amy Brown, Executive Director and Secretary.

The Communications were with Rick Chessen, Legal Advisor to **Commissioner Copps**, and Renée Roland Crittenden, Legal Advisor to **Commissioner Adelstein**.

The points made by CBA were as follows:

1. Determining which channels are occupied by TV stations by only spectrum sensing has shortcomings and is a technology not yet ready for deployment.

FLETCHER, HEALD & HILDRETH, P.L.C.

Marlene H. Dortch, Secretary

November 5, 2008

Page 2

2. Selecting available channels using geolocation and a database has more possibilities, but it is important that the database be created and maintained by a reliable and accessible party and that it be updated frequently.

3. Unlicensed wireless devices should operate at the lowest possible power levels, and care must be taken to avoid first-adjacent channel interference to TV broadcast signals.

4. Class A and LPTV stations rely much more than full power stations on over-the-air access to viewers, since most of them do not have MVPD carriage rights. Accordingly, these small stations are the most vulnerable if "White Spaces" devices cause interference.

5. It will be easier to avoid interference from fixed stations than from portable stations.

6. Class A and LPTV stations must be protected from interference wherever they are viewed, not based on just a high level predicted contour.

Respectfully submitted,



Peter Tannenwald

Counsel for the Community Broadcasters Association

cc: Mr. Gregory J. Herman
Ms. Amy Brown
Renée Roland Crittenden, Esq.
Rick Chessen, Esq.