

November 18, 2008

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Communication, Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band, WT Docket No. 08-166; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition, WT Docket No. 08-167

Dear Ms. Dortch:

On Monday, November 17, 2008, Christopher Guttman-McCabe, Vice President, Regulatory Affairs and Brian Josef, Director, Regulatory Affairs, CTIA—The Wireless Association®, along with Mark Stachiw of MetroPCS (via teleconference), Michael Lazarus of Paul, Hastings, Janofsky & Walker LLP (counsel to MetroPCS), Patrick Halley of the National Emergency Number Association, Harold Feld on behalf of the Public Interest Spectrum Coalition, George Wheeler of Holland & Knight, LLP (counsel to U.S. Cellular), Donald Brittingham of Verizon Wireless, and Adam Krinsky of Wilkinson Barker Knauer, LLP (counsel to Verizon Wireless), met with Charles Mathias, Legal Advisor to Chairman Kevin J. Martin.

During the meeting, the parties urged the Commission to act expeditiously to ensure that the use of low power auxiliary stations, such as wireless microphone systems, in the 700 MHz band does not threaten the future use of important spectrum that will become available with the February 17, 2009 DTV transition. The parties expressed concern regarding the significant risk of interference to both commercial and public safety communications systems caused by the continued use of the 700 MHz band by wireless microphones and other low power auxiliary stations after the transition date.

The parties urged the FCC to issue an order affirming the tentative conclusions in its recent Notice of Proposed Rulemaking.¹ Specifically, the Commission should: (1) revise the current rules to prevent low power auxiliary stations' operation in the 700 MHz band; and (2) prohibit the manufacture, import,

¹ Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band, *Notice of Proposed Rulemaking and Order*, 23 FCC Rcd 13106 (2008).

sale, offer for sale or shipment of such low power devices operating in the 700 MHz band. The parties stressed the importance of an immediate decision prohibiting the manufacture, import, sale, offer for sale or shipment to prevent further devices from entering the market, thereby exacerbating the interference problem. They also highlighted the continued efforts of numerous sales outlets to sell, often at significant discounts, wireless microphones operating in the 700 MHz bands in advance of any definitive FCC action.²

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. If you have any questions regarding this submission, please contact the undersigned.

Sincerely,

/s/ Brian M. Josef

Brian M. Josef

cc: Charles Mathias

² See e.g., <http://www.hisonic.net/HSU160.htm> (last visited Nov. 18, 2008). See also <http://www.kaitousa.com/wirelessystem.htm> (citing "Special Christmas Sale") (last visited Nov. 18, 2008); http://www.cheapdjgear.us/U_81_LT_p/u-81-lt-fslash-ht.htm (noting special "1/2 price" sale) (last visited Nov. 18, 2008); http://www.atechglobal.com/microphones/vocopro_uhf-5800.html (last visited Nov. 18, 2008).