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ATTORNEYS AT LAW

April 17, 2009

Ex Parte

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

*Re: Revision to Rules Authorizing the Operation of Low Power Auxiliary Stations in
the 698-806 MHz Band, WT Docket Nos. 08-166 & 08-167
Unlicensed Operation in the TV Broadcast Bands
ET Docket Nos. 04-186 and 02-380*

Dear Ms. Dortch:

On April 16, 2009, on behalf of Microsoft Corp., Edmond Thomas and Paul Margie met with Paul Murray, Legal Advisor to Acting Chairman Copps. In addition, Mr. Thomas and S. Roberts Carter met with Julius Knapp, Karen Ansari, Ira Keltz, Alan Stillwell, and Hugh Van Tuyl of the Office of Engineering and Technology, and Nese Guendelsberger, Paul D'Ari, Chris Moore, Monica DeLong, Brenda Boykin, and William Stafford of the Wireless Telecommunications Bureau.

During these meetings, the parties discussed Microsoft's positions on unauthorized TV band wireless microphone operations previously set forth in its filings and in the filings of the White Spaces Coalition. Specifically, Microsoft observed that: (1) expansive post hoc authorization of currently unauthorized wireless microphones has the potential to undermine white spaces operation, (2) any post hoc authorization of currently unauthorized wireless microphones that the Commission determines is necessary should be narrow, well defined, and limited, (3) technical rules should reflect only those interference protections needed for microphones given typical operating environments, (4) currently unauthorized microphones should not be licensed by rule given current white spaces rules; (5) additional channel set-asides for wireless microphones are unnecessary, and would significantly impede white spaces operations; and (6) questions regarding technical implementation of microphone registration in the white spaces database should be considered by OET. Microsoft also notes that even where some unauthorized users of regulated devices have a clear social benefit, and even when the FCC has not enforced its rules, post hoc authorization of devices that violate FCC rules creates a challenging precedent. The Commission should act cautiously, because its actions here may send a counter-productive message to parties violating FCC rules in other contexts.

HARRIS, WILTSHIRE & GRANNIS LLP

Ms. Marlene H. Dortch
April 17, 2009
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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,

A handwritten signature in black ink, appearing to read "Edmond J. Thomas", written over a circular scribble.

Edmond J. Thomas
Senior Technology Policy Advisor

cc: meeting participants