

April 22, 2009

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 Twelfth St., SW  
Washington, DC 20554

Re: *Notice of ex parte* presentation in: WT Docket No. 08-166  
WT Docket No. 08-167  
WT Docket No. 04-186

Dear Ms. Dortch:

On April 21, 2009, Michael Calabrese and Benjamin Lennett of New America Foundation and Alex Curtis of Public Knowledge participated in a meeting on behalf of the Public Interest Spectrum Coalition with Angela E. Giancarlo, Chief of Staff & Senior Legal Advisor to Commissioner Robert M. McDowell on Wireless and International issues, to discuss ways for the Commission to address the status of unlicensed wireless microphones users.

The parties reiterated that the Commission should revise its rules to prohibit the use of wireless microphones and other low-power devices that operate in the 700 MHz band, prohibit further sales of such devices, and require manufacturers to offer trade-in programs for unlicensed users who had purchased these devices. We also expressed our desire that Commission ensure that existing and new users of wireless microphones outside that band, including theaters, churches, karaoke bars, and individual consumers, are able to legally use their wireless microphones in the future.

Specifically, the parties recommended that users of microphones in the TV band who are not licensed under Part 74 band should be licensed by rule under 47 U.S.C. § 307(e) and receive co-equal status with approved TV band devices (TVBDs). We explained that allowing a significant number of new users to be licensed under Part 74 and placed in the geolocation database would effectively eliminate all available channels in a number of major cities, crippling whitespaces and making national network offerings an impossibility. In order to address the continuing concern of microphone users, we discussed an alternative possibility that given a showing of actual harmful interference, the Commission could allow a smaller subset of users to license under Part 74 by waiver.

Additionally, in the event that the Commission chooses not to license these users by rule at this time, we recommended that it address the questions surrounding interference protection and database registration for TVBDs and any new microphone licensees in the existing WT Docket No. 04-186. These questions have already been raised to the Commission in Petitions for Reconsideration in that docket, which also contains a more extensive technical record and is a

more appropriate place to develop a sufficiently detailed record and render a final decision.

The remainder of the substance of our discussion is contained in our previous filings in these dockets. In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Respectfully submitted,

A handwritten signature in cursive script, reading "Alex M. Curtis". The signature is written in black ink on a light-colored background.

Alex Curtis  
Director of Policy and New Media  
Public Knowledge

cc:  
Angela E. Giancarlo