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ASSOCIATION FOR **MAXIMUM SERVICE TELEVISION, INC.** MSTV

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April 16, 2009

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

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APR 16 2009

Federal Communications Commission
Office of the Secretary

RE: Ex-Parte Communications
DA 07-146
ET Docket O4-186, 02-380
FOIA Control No. 2009-048

Dear Ms Dortch:

On April 15, 2009, David L. Donovan met with Mr. Rick Chessen, Sr. Legal Advisor to Action Chairman Michael Copps. In preparation for MSTV's upcoming board of director's meeting, Mr. Donovan discussed the following topics with Mr. Chessen.

First, Mr. Donovan gave Mr. Chessen an update on the industry's coordination efforts with cable and satellite industries to facilitate the DTV transition. They also discussed potential revisions to the DTV coverage maps and potential reception issues with digital translators and overlapping signals.

Second, Mr. Donovan inquired on the status of MSTV's Freedom of Information Act request in the above referenced matter. Mr. Chessen was aware of the issue, but did not know the status of the proceeding. In addition, I noted MSTV was working with industry groups on database issues.

Third, I asked about the status of the Application for Review filed by Clarity Broadcasting in the above referenced proceeding. I reiterated MSTV's position that the system envisioned by Clarity will interfere with live TV news coverage. In addition, we discussed the legal and procedural problems with reallocating spectrum through the waiver process. We also discussed potential interference to other spectrum users. A copy of a letter, previously filed in this proceeding and attached hereto was given to Mr. Chessen.

Sincerely,

David L. Donovan

Attachment

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Federal Communications Commission
Office of the Secretary

February 26, 2009

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BY HAND DELIVERY

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

Re: Waiver Requests by Clarity Media Systems, LLC to Operate CARS Stations at Flying J Travel Plazas (DA 07-1946)

Dear Ms. Dortch:

MetroPCS Communications, Inc. ("MetroPCS") respectfully submits this *ex parte* letter to express its concern that a grant of the above-referenced waivers sought by Clarity Media Systems, LLC ("Clarity") will cause harmful interference to AWS-1 handsets used by customers of MetroPCS.

In Auction No. 66, the Commission auctioned off broadband spectrum rights in the AWS-1 band (1710-1755/2010-2055 MHz). Winning bidders invested more than $13 billion to acquire spectrum rights in this band. MetroPCS itself purchased over $1.4 billion of AWS-1 spectrum. As a result, MetroPCS currently operates networks utilizing the AWS-1 spectrum in and around New York, Philadelphia, Boston and Las Vegas and is continuing to expand its coverage using its AWS-1 spectrum in other cities in the United States. In each instance, MetroPCS is a new entrant bringing much needed competition into these markets. Further, in New York, Philadelphia and Las Vegas, MetroPCS only has AWS-1 spectrum in the metropolitan area. Accordingly, to the extent that harmful interference occurs as a result of a grant of Clarity's waiver, MetroPCS customers and MetroPCS will be unable to provide service at or near the Clarity transmitter locations.

On February 21, 2006, Clarity submitted 10 applications for CARS licenses in which it requested waivers from the Commission of the Commission's Cable Television Relay Service (CARS) rules, FCC Part 78, in order to enable it to broadcast video programming in the 2025-2110 MHz band. The request was denied by the Commission on May 3,

2007.[1] On June 4, 2007 Clarity filed an Application for Review which is currently pending before the Commission.

Based on its significant investment in AWS-1 spectrum, and due to recent studies of the potential for interference to AWS-1 handsets by certain proposed operations in the AWS-3 band,[2] MetroPCS became concerned that a grant of Clarity's Application for Review of the denial of its waiver requests might adversely affect the level of service that MetroPCS and others are able to provide over AWS-1 spectrum. In the Commission's AWS-3 study, the Office of Engineering and technology found the potential for harmful interference by AWS-3 handsets operating in the 2155-2175 MHz band, which is adjacent to the band on which AWS-1 handsets operate (2110-2155 MHz). The spectrum Clarity proposes to use is also immediately adjacent to the AWS-1 bands. Because of the MetroPCS commitment to providing its customers with high quality service, MetroPCS asked its engineering department to evaluate the potential for harmful interference. Attached hereto is the resulting report prepared by MetroPCS' Director of Engineering who studied the data made available by Clarity in its *ex parte* filing of September 6, 2007. The report indicates that there is a significant potential for harmful interference by the Clarity system to MetroPCS AWS-1 handsets. Clarity's proposed transmissions (2025-2109 MHz) will be in bands directly adjacent to the AWS-1 band, and create a significant risk of interference to handsets operating in the AWS-1 band through "out-of-band emissions." MetroPCS' Director of Engineering found that the OOBE limit of 43 + 10 log (P) results in -72 dBm/MHz at a distance of 10 meters (calculated using 59 dB of free space path loss). This interference level of -72 dBm/MHz is well above the acceptable noise level of -117 dBm/MHz for AWS-1 handsets. In order to eliminate the impact of Clarity interference, an AWS-1 handset would need to be more than *one mile* away from a Clarity transmitter. Since the Clarity transmitters may be located anywhere in a metropolitan area, it could create significant coverage problems throughout a metropolitan area. In addition to problems with out-of-band emissions, receiver overload caused by an AWS-1 handset's proximity to a Clarity transmitter may also cause significant harmful interference. Before the Commission moves forward, it should conduct its own tests to determine the likelihood of interference to existing AWS-1 handsets. As always, MetroPCS would be willing to participate in such a study.

In order to protect American consumers who are currently enjoying service over AWS spectrum, as well as the millions of consumers who soon will enjoy the benefits of such service, the Commission must deny Clarity's Application for Review. As shown above, Clarity's transmitters run an unacceptable risk of causing harmful interference with AWS-1

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[1] Order at ¶ 1.

[2] *See The FCC's Office of Engineering and Technology Releases Analysis of AWS-3 Interference Tests*, DA 08-2245, WT Docket Nos. 07-195 and 04-356 (rel. Oct. 10, 2008); *Advanced Wireless Service Interference Test Results and Analysis*, Federal Communications Commission Office of Engineering and Technology (Oct. 10, 2008).

handsets and must not be allowed to interfere with the lawful use of spectrum by existing AWS-1 licensees.

Sincerely,

Carl W. Northrop
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

CWN:drs

cc (via email): Renee Coles
Angela Giancarlo
Paul Murray
Julius Knapp
Ira Keltz
Jamison Prime
Bruce Romano

Clarity System Interference into AWS-1 Band

To find the potential interference from the Clarity system into AWS-1 handsets we use the following specifications provided by Clarity Media Systems in their Ex Parte filing of September 6, 2007.

Clarity System Specifications:

Operating frequencies: 2025 – 2109 MHz
Channel Bandwidth: 6 MHz
Antenna Gain: 10 dBi
Antenna Gain Toward Horizon: 7 dBi
Antenna Height: 9.6 m
Max transmit power per channel: 23 dBm
Transmission line losses: 2.04 dB

Effective Isotropic Radiated Power per channel: 23+7-2.04 = 27.96 dBm per 6 MHz channel

EIRP per MHz = 27.96 -10 log 6 = 27.96-7.78 = 20.18 dBm/MHz

Clarity transmissions (2025 – 2109 MHz) are adjacent to the AWS-1 band. To evaluate the potential of interference from Clarity transmissions into AWS-1 handset we consider the two main interference mechanisms, receiver overload and out-of-band emissions.

Receiver Overload

If an AWS-1 handset is placed right below a Clarity antenna, i.e., at a distance of 10 m, then the free space propagation loss between the Clarity antenna and the AWS-1 handset is about 59 db at 2110 MHz. Therefore, the 20.18 dBm/MHz EIRP transmitted by the Clarity antenna would generate a signal of -38.82 dBm at the AWS-1 receiver input. This signal is in a range that has the potential to cause harmful interference.

Out-of-Band Emission

We assume that the Clarity transmitters would be following the 43 + 10 log (P) rule. The OOBE limit of 43 + 10 log (P) results in – 72 dBm /MHz at a distance of 10 m (calculated using 59 dB of free space path loss). The interference level of – 72 dBm/MHz is well above the acceptable noise level of – 117 dBm/MHz for AWS-1 handsets (CTIA's H-Block tests conclusion). To eliminate the impact of Clarity interference, the AWS-1 handset has to be more than a mile away from the Clarity transmitter or impose more restrictive OOBE requirements on the Clarity system.