

April 28, 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: MB Docket No. 08-253
OET Docket No. 04-186

Dear Ms. Dortch:

On April 28, 2009, Harold Feld, Legal Director, Public Knowledge, spoke with Rick Chessen, Senior Legal Advisor to Acting Chairman Copps, with regard to the above captioned proceeding. Mr. Feld expressed concern that – given the exclusion zone adopted in the broadcast white spaces proceeding around translators – the Commission’s Order establishing a low-power “fill in” service might accidentally create exclusion zones beyond what is necessary to protect the proposed low power fill in translators. Mr. Feld urged that the FCC should carefully consider the level of needed protection for the new translators rather than simply adopt the general translator exclusion provided in Docket No. 04-186.

Mr. Feld further suggested that, rather than delay the proceeding if the answer to this question requires complex engineering analysis, that the Commission defer the question of how to properly protect the new fill in translators to Docket No. 04-186. Several parties have raised the question of the proper protection for existing translators on reconsideration, so specific inclusion of the question of appropriate protection for the proposed “fill in” translators is neither unduly prejudicial to the new service no likely to impact deployment.

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,

_____/s/_____
Harold Feld
Legal Director

cc:
Rick Chessen