

June 18, 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
OET Docket No. 04-186

Dear Ms. Dortch:

On June 17, 2009, Gigi Sohn, Executive Director, Harold Feld, Legal Director, and Brian Rowe, Law clerk, for Public Knowledge, spoke with Michael Copps Acting Chairman, Rick C. Chessen, Senior Legal Advisor and Paul Murray Wireless Legal Advisor with regard to the above captioned proceeding.

Ms. Sohn and Mr. Feld expressed the need to act as soon as possible to create a Notice of Inquire (NOI) with regards to a variable power rule that would allow for higher power transmissions where rural white spaces are concerned. The justification for acting now was two fold; the use of higher power transmission devices could be useful to moving forward broadband buildout in rural areas and that given the current focus on broadband nationally this type of NOI could gain significant useful feedback.

Mr. Feld expressed a need for the Commission to move forward towards the creation of a database of spectrum users as part of the whitespace initiative. Mr. Feld recognized that many stakeholders had been brought together to discuss how to proceed, but was concerned that without a signal that the FCC is ready to move forward stakeholders could continue talks for an indeterminate period of time while making little progress.

Mr. Feld additionally quick action to resolve Docket Nos. 08-166 and No. 08-167. In addition to licensing by rule, Mr. Feld also suggested authorizing wireless microphones pursuant to Part 15. Entities qualifying for licenses under Part 74 would still receive them, and be entitled to protection as licensed users. Members of the public would be able to legally use wireless microphones (operating below Channel 52) as well, subject to the usual restrictions on the use of unlicensed devices. Mr. Feld also stressed the need to stop the sale of devices to unauthorized users as soon as possible and educating consumers to avoid use of wireless microphones on Channels 52-69. When asked how to deal with existing microphones in the market place Mr. Feld responded with the suggestion of a mandatory recall and replacement by manufacturers with equipment operating on permitted channels. Mr. Feld observed that the current "refund" programs offered by some manufacturers under which unauthorized users exchange equipment for a discount on new equipment constitute an unjust enrichment to the manufacturers whose illegal marketing practices created this problem in the first place..

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:
Michael Copps
Rick Chessen
Paul Murray