

November 12, 2009

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Via Electronic Filing

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

Re: Notice of Ex Parte Communication,
ET Docket Nos. 04-186, 02-380

Dear Ms. Dortch:

On November 10, 2009, David Donovan, Victor Tawil and Bruce Franca of the Association for Maximum Service Television (MSTV) met with Mr. Julius Knapp, Ms. Geraldine Matise, Ms. Karen Ansari, and Mr. Hugh Van Tuyl of the Office of Engineering and Technology (OET).

MSTV asked OET staff some general questions on the scope, timing, and public comment process on the pending Public Notice (PN) regarding the database administrator set forth in the above-captioned proceedings. MSTV suggested that the PN should make clear to any party desiring to become a database administrator that any database development is subject to and must completely conform to any changes made by the Commission in response to the pending petitions for reconsideration.

MSTV also made a number of suggestions based on specific rule requirements. For example, §15.715 (j) requires that the database must have the functionality to respond that no channels are available when queried by a specific TVBD or model of TVBDs. The pending PN should ask how database administrators will implement this functionality and how they will ensure this capability will apply for Mode I devices. MSTV also notes that §15.715 (h) requires the database administrator to respond in a timely manner to verify, correct and/or remove, as appropriate, data in the event that the Commission *or a party* brings claim of inaccuracies in the database to its attention. The PN should remind parties of this requirement and inform any prospective database parties that they need to be responsive to errors pointed out by licensees. Licensees, of course, are subject to ensuring that information is truthful and correct under the terms of their license.

OET indicated that the PN will request information about the security and integrity of database process and what safeguards will be used by the database administrator to

ensure that others can't manipulate or authorize devices to operate on unavailable channels. We support including these questions in the PN.

Respectfully submitted,



Bruce Franca
Vice President, Policy and Technology

cc: Julius Knapp
Geraldine Matisse
Karen Ansari
Hugh Van Tuyl