



July 26, 2010

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

Re: Notice of Ex Parte Communications
ET Docket Nos. 04-186 and 02-380

Dear Ms. Dortch:

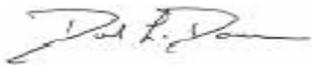
On July 23, 2010, Messrs. David Donovan and Bruce Franca of the Association for Maximum Service Television, Inc. (MSTV); Mr. Kelly Williams of the National Association of Broadcasters (NAB); and Jonathan Blake of Covington & Burling LLP, met with Ms. Angela Giancarlo of Commissioner McDowell's office about white spaces issues in the above two proceedings. Also on July 23, 2010, Messrs. Donovan and Franca of MSTV; Messrs. Williams and Lynn Claudy of NAB; and Jennifer Johnson of Covington & Burling LLP, met with Eloise Gore and Louis Peraertz of Commissioner Clyburn's office about white spaces issues in the above two proceedings.

During these meetings, the MSTV and NAB representatives discussed the need to retain a combination of sensing requirements and the geolocation/database mechanisms, as required by the rules adopted by the Commission in 2008, to protect against the serious interference consequences that can result from white spaces operations. We noted that geolocation/database protection alone is not sufficient, and, in the case of licensed microphones used for newsgathering and other valued mobile uses, geolocation protection is not even possible. We also explained that even with retention of sensing as an essential complement to

geolocation/database protections, the rules adopted need a number of clean-up modifications for the reasons that MSTV and NAB have set forth in their prior filings in this docket. The MSTV and NAB representatives also noted the importance of assuring accuracy with respect to geolocation/database operations and accountability with respect to database administration, as noted in our prior filings. But addressing these shortcomings in no way obviates the need to retain sensing and ensure that it is as effective as possible.

With the prospect of hundreds of thousands, and perhaps millions, of potentially interfering unlicensed devices being operated throughout the country, the Commission must take care to avoid the serious risks created by unlicensed devices. As the Commission previously determined, both geolocation/database protections and sensing requirements should be in place. And the Commission should take necessary steps to ensure that these requirements are meaningful. The Commission can and should take these modest steps without delaying a decision on reconsideration of its white spaces rules.

Respectfully submitted,



David Donovan
President

cc: Angela Giancarlo*
Eloise Gore*
Louis Peraertz*

* by e-mail