Shared Spectrum Company

1595 Spring Hill Road, Suite 110, Vienna, Virginia 22182-2228, Phone 703-761-2818, Fax 703-761-2817

July 30, 2010

VIA ECFS

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

Re: Notice of Ex Parte Communication, ET Docket No. 04-186

Dear Ms. Dortch:

On July 29, 2010, the undersigned along with Dr. Mark McHenry, Founder and CTO of Shared Spectrum Company (SSC), met with Julius Knapp, Chief, Office of Engineering and Technology (OET), during the International Symposium on Advanced Radio Technologies (ISART) in Boulder, Colorado. During the meeting, SSC representatives discussed issues related to the above-referenced proceeding as set forth in more detail below.

In particular, we stressed the importance of retaining a sensing requirement, at least as an alternative interference avoidance mechanism, for television band devices (TVBDs). While the "belts and suspenders" approach of the current rules may be over-protective in certain circumstances (e.g., professionally installed facilities in remote and rural areas), eliminating the sensing requirement altogether could inadvertently impact deployment of un-tethered or ad hoc networks of mobile or portable TVBDs, especially those operating at higher elevations. Spectrum sensing data could also provide a valuable, independent check on the accuracy of localized information regarding protected operations contained in or missing from the geolocation database.

In addition, we urged Mr. Knapp and OET to recommend that the Commission remove the additional procedural and substantive burdens imposed on sensing-only personal/portable devices contained in Section 15.717 of the rules.[1] While all TVBDs should be subject to a transparent certification process that requires applicants to adequately demonstrate that each device will not cause harmful interference to incumbents, the rules and procedures need not unreasonably discriminate against sensing-only TVBDs. The additional burdens imposed by the current rules do not provide an "incentive to continue to develop this technology",[2] but instead chill innovation and investment in further development.

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[1] 47 C.F.R. § 15.717. *See also* Petition for Reconsideration of the Public Interest Spectrum Coalition at pp. 19-24 (Mar. 19, 2009), Petition for Reconsideration of Adaptrum, Inc. at pp. 8-9 (Mar. 18, 2009).

[2] Unlicensed Operation in the TV Broadcast Bands, *Second Report and Order and Memorandum Opinion and Order*, 23 FCC Rcd 16807 at ¶ 257 (2008).

Finally, we suggested that the Commission explore ways to facilitate the deployment of TVBDs by digital full power, Class A, and low power television station licensees themselves through the flexibility to offer "ancillary or supplementary services" afforded by Section 336(a)(2) of the Communications Act.[3] For example, the Commission could encourage broadcast station licensees to implement more flexible TVBD co-channel and adjacent channel operational requirements that both enable such ancillary or supplementary services and ensure against disruption of TV service by TV band devices. Such cooperation will also enable implementation of return paths for new interactive and mobile video and broadband services offered by the TV station licensees.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS in the above-captioned proceedings. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/S/ *Peter A. Tenhula*
Peter A. Tenhula
Vice President and General Counsel

cc (via e-mail): Julius Knapp

[3] 47 U.S.C. § 336(a)(2). *See also* 47 C.F.R. § 73.624(c).