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September 9, 2010

BY ELECTRONIC FILING

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

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

Dear Ms. Dortch:

On September 8, 2010, representatives of the Association for Maximum Television Service, Inc. (MSTV) and the National Association of Broadcasters (NAB) (listed as ccs below) and representatives of the FCC's Office of Engineering and Technology (OET) (also listed as ccs below) met to discuss white spaces issues in the above two proceedings, both of which are subject to petitions for reconsideration. Those petitions are currently scheduled for resolution at the Commission's September 23 open meeting.

The purpose of the meeting was to understand what changes in the existing white spaces rules are being contemplated with respect to:

- the proposed elimination, which MSTV and NAB oppose, of the existing sensing requirement;
- the regulation of white spaces devices' operations in order to limit interference to licensed broadcast and licensed wireless microphone services;
- effective requirements for and oversight of the geolocation/database functions, which are the subject of a separate process, disconnected from reconsideration of the white spaces rules;
- mechanisms for ensuring that white spaces devices operate on the basis of near-contemporaneous and accurate database information;

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- proposals for setting aside two reserved channels for licensed wireless microphones (but, unfortunately, also for unlicensed wireless microphones and other wireless devices other than white spaces devices); and
- proposed venue protections for licensed wireless microphones (whose services are essential for local and national news gathering).

Although the meeting was essentially an information-gathering and information-exploring meeting, MSTV and NAB made the following points:

1. the white spaces rules and the Commission's oversight and regulation of the geolocation/database functions are integrally related and they should be designed and implemented together (unfortunately, they currently are being focused on separately and on different schedules; in fact, the former is being decided by the full Commission and the second may be delegated to OET without oversight by the full Commission);
2. white spaces devices must operate with near contemporaneous access to the database, especially when they are operated in portable/mobile mode, and the database itself must be updated on a frequent, near real-time basis to ensure the greatest accuracy of database information. We recommend that Mode I devices be required to check with Mode II or fixed devices every 60 seconds. In turn, Mode II and fixed devices should check the database in near real-time, but no less frequently than every 15 minutes;
3. because, under the new proposals, licensed wireless microphones would be confined in the first instance to two reserved channels in any given geographic area (in contrast, under current FCC rules they may operate on any of 37 channels) these two reserved channels should be off-limits not only for white space devices but also for *unlicensed* wireless microphones and other unlicensed devices; and
4. venue protection provisions for licensed wireless microphones should effectively permit and protect network and local news gathering activities wherever and whenever they take place.

Please call the undersigned or Jonathan Blake if there are questions or if additional information is desired.

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Respectfully submitted,



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