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September 13, 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 Friday September 10, 2010 Messrs. David Donovan, Victor Tawil and Bruce Franca, for the Association for Maximum Service Television, Inc. (MSTV) met with Ms. Angela Giancarlo, Chief of Staff to Commissioner Robert McDowell.

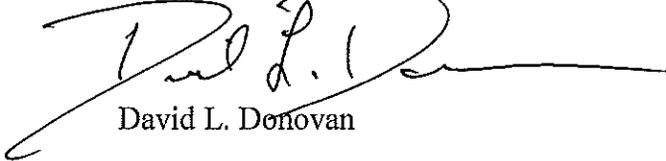
We discussed specific technical issues pertaining to MSTV and NAB's request that Mode II unlicensed devices operating in the band should contact the database more frequently than once every 24 hours. We stressed the importance of having a database that operates in a near real-time basis. Accordingly, Mode I devices should be required to check with Mode II or fixed devices every 60 seconds. In turn, Mode II and fixed devices should be required to check the database in near real-time, but no less frequently than every 15 minutes.

We noted that it is critical that a broadcast station's newsgathering operations are not impaired, be it regularly scheduled venues or out in the field covering emergencies. We discussed the technical issues surrounding a proposal, which would set aside two channels in markets for wireless microphones. Under the proposals the Commission is now considering at the reconsideration stage of these proceedings, roaming licensed wireless microphones would essentially be confined in the first instance to two reserved channels in any given geographic area. We questioned whether this would be sufficient given the fact that other unlicensed wireless microphones were also likely to use these channels. Accordingly, the two reserved channels should be off-limits not only for white space devices, but also for *unlicensed* wireless microphones and other *unlicensed* devices. In addition, where possible, the FCC should endeavor to reserve the same channels throughout an entire market. Venue protection provisions for licensed

wireless microphones, which we understand are currently being considered, should effectively permit and protect network and local newsgathering activities wherever and whenever they take place.

Finally, we discussed the importance of moving forward with a fully integrated workable plan. The rules under examination on reconsideration are inextricably linked to the administration of the database. Under the current approach, however, specific issues regarding the database and its administration will be addressed later in the process and on delegated authority. These issues will have direct policy implications and impact on the rules adopted on reconsideration. Accordingly, we noted that the Commission itself should review issues relating to the database, its administration and the device requirements imposed by the database approach such as protocols, security, etc. Such consideration will ensure a fair process that allows the FCC to move forward without causing interference to existing users.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Donovan", with a long horizontal flourish extending to the right.

David L. Donovan

cc Angela Giancarlo