

COVINGTON & BURLING LLP

1201 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004-2401
TEL 202.662.6000
FAX 202.662.6291
WWW.COV.COM

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September 15, 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 Tuesday, September 14, Mr. David Donovan, for the Association for Maximum Service Television, Inc. (MSTV); Ms. Jane Mago for the National Association of Broadcasters (NAB); and Mr. Jonathan Blake on behalf of both organizations, talked with Rick Kaplan, Chief Counsel and Senior Legal Advisor for the Chairman, about the above two white spaces proceedings, which are subject to petitions for reconsideration and are scheduled to be acted upon at the Commission's open meeting on September 23, 2010.

They made three points:

1. The bifurcation of the white spaces rules from the requirements for geolocation/database operations, particularly in light of the possible deletion of the sensing requirement, raises serious legal and policy concerns (see MSTV and NAB's

notification of *ex parte* communication filed on September 14). These concerns should be ameliorated by:

- (a) Public disclosure of the geolocation/database operations requirements with opportunity for public comment that could be expedited to avoid delay; and the full Commission's approving those requirements; and
 - (b) Specification in the upcoming order that the white spaces rules that the Commission adopts in September not go into effect until the steps summarized in paragraph (a) have been completed. (This will not delay the inauguration of white spaces services because they cannot be launched until a geolocation/database regime is up and running).
2. The requirements for white spaces devices should be strengthened to require Mode I devices to check with Mode II devices or fixed devices at least as frequently as every 60 seconds; Mode II or fixed devices should check with the database no less frequently than every 15 minutes and preferably more often.
 3. The proposal for setting aside two channels for wireless microphone service should limit access to these two channels to *licensed* wireless microphones. In addition, the proposal for venue protection should be fine-tuned to accommodate, not impede, news-gathering activities via licensed wireless microphones.

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

Respectfully submitted,



Eve R. Pogoriler
Covington & Burling LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401
(202) 662-6000

Counsel for MSTV and NAB

cc (by email):

Rick Kaplan (FCC)
David Donovan (MSTV)
Jane Mago (NAB)
Jonathan Blake (Counsel)