

David R. Siddall
202.408.6429
dsiddall@sonnenschein.com

September 15, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: ET Docket No. 04-186, Unlicensed Operation in the TV Broadcast Bands
Ex Parte Presentation

Dear Ms. Dortch:

On September 14, 2010, Kiran Challapali and Monisha Ghosh of Philips Research North America and the undersigned met in separate meetings with John Giusti, Chief of Staff and Legal Advisor for Wireless, Public Safety and International, Office of Commissioner Copps; and Angela Giancarlo, Chief of Staff and Senior Legal Advisor, Wireless and International, Office of Commissioner McDowell.

The discussion at both meetings centered on reports of proposals to substantially rewrite the current rules to entirely delete the requirements for spectrum sensing for all three types of White Space devices. If adopted, this proposal would deter future innovation and prevent some future applications as well as impair efficient use of this spectrum on a non-interfering basis.

Philips seeks a stable solution that would permit all prospective participants to fully develop the wide variety of uses and applications possible in this spectrum. Instead of completely reversing course in 2010 by not requiring sensing in any device notwithstanding the lack of technical justification in the record counter to the detailed testing and conclusions made in 2008, Philips proposed that the Commission remove sensing as a requirement from two of the three types of devices that are required to maintain independent geolocation and database connections (*i.e.*, those referred to as “fixed” and “Mode 2” devices in the current rules) so that sensing would be voluntary, retain the current sensing requirement for “Mode 1” personal/portable devices, and accommodate an additional option for Mode 1 devices that would permit an alternative mechanism to be deployed, such as periodic contact verification.

This proposal would allow manufacturers the freedom to choose the Mode 1 device functionality that would best enable a particular application. For example, real-time applications like whole-house high definition video streaming (as opposed to low bitrate Internet video) would be better served by a Mode 1 device that has sensing than one that needs to maintain constant contact with a Mode 2 device. Additionally, devices would not be burdened by being

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required to have both geolocation/database access and sensing in the same device, since Mode 2 and fixed devices would only be required to have geolocation/database access and Mode 1 devices would only be required to have sensing OR an alternative mechanism.

Philips also noted that the current rules require that sensing-only Mode 1 devices have to be authorized at the full Commission level rather than by the engineering experts in the Office of Engineering and Technology (OET). This requirement is unprecedented in Commission regulatory history, inevitably will create needless delay and uncertainty, and raises the specter of substituting political judgment for sound engineering judgment. Not even in the Commission's exceedingly controversial Ultra-Wideband (UWB) and Access Broadband Over Power Line (BPL) proceedings did the Commission require engineering judgments for equipment authorizations to be passed upon by the full Commission. We propose that the Commission change the rules to allow sensing-only devices to be authorized based upon test results passed upon by OET.

This letter is being filed electronically in the above docket and emailed to the meeting participants.

Respectfully,



David R. Siddall
Counsel to Philips Research North America

cc (via email): John Giusti
Angela Giancarlo