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September 16, 2010

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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 Wednesday, September 15, 2010, Mr. David Donovan, for the Association for Maximum Service Television, Inc. (MSTV) and Ms. Jane Mago, for the National Association of Broadcasters (NAB), had a telephone conversation with Mr. Charles Mathias, Advisor to the Honorable Meredith Atwell Baker. We discussed the *ex parte* notice filed by MSTV and NAB on September 14, 2010.¹ Consistent with that *ex parte* filing, we noted that the Commission should make its new white spaces rules effective after: (a) the Office of Engineering and Technology (OET) has disclosed its proposed requirements for the database/geolocation functions; (b) the public has had an opportunity to comment on these requirements; and (c) the Commission has reviewed the proposed OET requirements and public comments on them and

¹ See Notice of Ex Parte Communication, ET Docket Nos. 04-186 and 02-380 (Sept. 14, 2010).

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has approved the requirements, and has considered whether any appropriate changes should be made to its white spaces rules.

We observed that the comments filed previously in response to the FCC's Public Notice² regarding the selection of a database administrator were submitted at a time when the FCC contemplated a regulatory regime for TV Band devices that included both sensing and geolocation/database protections. Eliminating sensing as a requirement constitutes a fundamental change thereby requiring a fresh examination of the requirements applying to geolocation/database operations, by OET, by the public, and by the full Commission in light of the new white space rules to be considered by the full Commission on September 23.

Respectfully submitted,



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cc (by email):

Charles Mathias (FCC)
Jane Mago (NAB)
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² Julius Knapp, Chief, Office of Engineering and Technology, "Office of Engineering and Technology Invites Proposals from Entities Seeking To Be Designated TV Band Device Database Managers," *Public Notice*, ET Docket No. 04-186, 24 FCC Rcd 14136 (Nov. 25, 2009).