

October 14, 2010

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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

Dear Ms. Dortch:

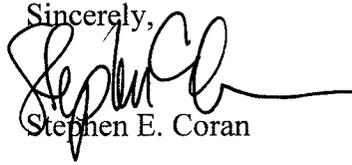
On October 13, 2010, Mark Gibson of Comsearch, Peter Stanforth of Spectrum Bridge, Rob Kubik of Motorola and the undersigned representing the Wireless Internet Service Providers Association (“WISPA”) met with Julius Knapp, Karen Ansari and Bruce Romano of the FCC’s Office of Engineering & Technology to discuss the preclusive effects that Section 15.713(e)(6) of the Commission’s Rules will have on fixed white space deployments.

Messrs. Gibson and Stanforth presented information indicating that there are a large number of hilly, rural areas of the country where the newly-adopted 76-meter height above average terrain (“HAAT”) limit would preclude establishment of fixed white space stations. The undersigned presented information showing that existing towers currently used by WISPA members to provide broadband service could not, in light of the HAAT limit, be used for white spaces. As a result, even in areas where white space channels are available, wireless ISPs would be required to incur time and expense to locate and engineer new tower sites, obtain regulatory approvals and construct towers that would then only be able to serve smaller areas. The participants stated that, as a consequence of the adoption of the 76-meter HAAT restriction, fixed white space services may never be deployed in hilly, rural areas where demand for broadband is greatest and where the benefits of white space propagation would be extremely helpful in delivering those services.

The participants suggested potential solutions that would protect incumbent contours without requiring Commission resources or complicating the geolocation database functionality. Commission staff encouraged the participants to continue to work towards a result that would be less preclusive of fixed white space deployment. The participants indicated that they would do so and communicate further with the Commission following further analysis of potential solutions.

The participants also asked the Commission to remove the HAAT restriction for receive-only sites.

Pursuant to Section 1.1206 of the Commission's Rules, this notice is being filed via ECFS in the above-referenced proceedings. Please direct any questions regarding this notice to the undersigned.

Sincerely,  
  
Stephen E. Coran

cc: Julius Knapp  
Karen Ansari  
Bruce Romano