

December 6, 2010

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

Re: WT Docket No. 10-04

Dear Ms. Dortch:

On December 3, 2010, I met with Roger Noel, Division Chief, Mobility Division, Joyce Jones and Thomas Derenge of the FCC's Wireless Telecommunications Bureau, with regard to the above captioned proceeding. I expressed Public Knowledge's general support for maintaining the availability of wireless boosters for consumers.

In addition, I noted that the Commission could regulate the use, sale, manufacturing, and advertising directly under Section 301 and Section 302 (47 U.S.C. §302A). Further, the Commission could clarify that the licensee has a right to demand abatement of any interference in its own right under Section 309(h). Accordingly, as a matter of policy, there is no reason why the Commission must rely on a theory that a consumer operates a transceiver under the general right and control of the primary licensee. The Commission can, either in this declaratory ruling or in a subsequent rulemaking, provide a separate blanket license to the manufacturer under Section 301, which would define terms of use.<sup>1</sup> The Commission can establish necessary standards with regard to sale and quality under its Section 302 authority. Further, since Section 302 prohibits the use of any certified device in a manner that violates the Commission's rules, the Commission can condition use of any booster on compliance with the licensee's superior right to be free of interference.

In accordance with Section 1.1206(b), this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020.

Respectfully submitted,

/s/Harold Feld  
Legal Director

cc:  
Roger Noel  
Joyce Jones  
Thomas Derenge

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<sup>1</sup> See Amendment of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, a Radiodetermination Satellite Service; Policies and Procedures for the Licensing of Space and Earth Stations in the Radiodetermination Satellite Service, *Second Report and Order*, 104 F.C.C. 2d. 650, ¶¶ 28–29 (Apr. 22, 1986).