

Cohen, Dippell and Everist, P.C.

Before The
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Unlicensed Operation in the TV) ET Docket No. 04-186
Broadcast Bands)

Comments
on Behalf of
Cohen, Dippell and Everist, P.C.

The following comments are submitted on behalf of Cohen, Dippell and Everist, P.C. (“CDE”) and is in response to ET Docket No. 04-186, Order, DA 11-131, adopted and released: January 26, 2011. CDE and its predecessors have practiced before the Federal Communications Commission (“FCC”) for over 70 years in broadcast and telecommunications matters. The firm or its predecessors have been located in Washington, DC since 1937 and performed professional consulting engineering services to the communications industry.

The undersigned is licensed as a Professional Engineer in the District of Columbia and has been in continuous employment with this firm or its predecessors for over fifty (50) years.

This firm has concern that the designation of entities to help administer a database which will identify unused channels at specific geographic locations will not offer the time flexibility that can be required.

Commissioner Copps at the February 15, 2011 Federal Communications Bar Association’s luncheon cited in his presentation the need for accurate and up-to-date news be available to the public by the electronic news organizations.

This firm has concerns when the nine entities are finally established and another event such as occurred in Tucson of Congresswoman Gabriel Giffords' shooting that wireless microphone use by broadcasters maybe unduly impaired or severely restricted by the time constraints to set up a special event. Based on some knowledge of the event in Tucson, that probable multiple use of wireless microphones locations from the shopping center site are as follows:

<u>Site</u>	<u>Approx. Distance</u>
University Medical Center	11.2 km (7 miles)
St. Odillias Church	1.6 km (1 mile)
Alleged Shooters Home	6.59 km (4.1 miles)
Westward Look (FBI)	1.6 km (1 mile)
Sheriff's Office	Unavailable

First, the time that the shooting happened to a Congresswoman is a national event and requires an appropriate and immediate electronic news media response. How, under these circumstances, can the new FCC Rules governing wireless microphones fit Commissioner Copp's objectives if another event occurs such as Congresswoman Gifford's shooting?

The second item of concern is that once an unlicensed TV band device selects or identifies an unused channel, what prevents the modification of that device by software or other change to operate at a higher radiated power? Will the Commission have in place a program to

verify these devices as sold at local retail stores are in compliance with its rules and will the FCC have a compliance program in the field to ferret out possible abuses?

Respectfully Submitted,



Donald G. Everist

Date: February 28, 2011