PUBLIC NOTICE

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Office of Engineering and Technology Seeks Comment on Microsoft Corporation Proposal to be Designated as a TV Bands Device Database Administrator

ET Docket No. 04-186

Comment Date: May 20, 2011
Reply Date: May 31, 2011

On April 18, 2011, Microsoft Corporation filed a proposal with the Office of Engineering and Technology (OET) seeking designation as a TV bands device database administrator under Part 15 of the Commission's rules.[1] By this Public Notice, we invite interested parties to file comments on Microsoft Corporation's proposal.

On September 23, 2010, the Commission adopted a *Second Memorandum Opinion and Order* (*Second MO&O*) in ET Docket No. 04-186 that revised the rules for unlicensed wireless devices that can operate in broadcast television spectrum at locations where that spectrum is unused by licensed services.[2] This unused TV spectrum is commonly referred to as television "white spaces." The rules allow for the use of unlicensed TV bands devices in the unused spectrum to provide broadband data and other services for consumers and businesses.

To prevent interference to authorized users of the TV bands, TV bands devices must include a geo-location capability and the capability to access a database that identifies incumbent uses entitled to interference protection, including, for example, full power and low power TV stations, broadcast auxiliary point-to-point facilities, PLMRS/CMRS operations on channels 14-20, and the Offshore Radiotelephone Service.[3] The database will inform a TV bands device which TV channels are vacant and can be used at its location.[4] The database also will be used to register the locations of fixed TV bands devices and the protected locations and channels of incumbent services that are not recorded in

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[1] Microsoft's proposal is available on the Commission's web site at http://fjallfoss.fcc.gov/ecfs/document/view?id=7021239289

[2] *See Second Memorandum Opinion and Order* in ET Docket No. 04-186, FCC 10-174, adopted September 23, 2010. An *Erratum* correcting certain text and amendments to the rules in the *Second Memorandum Opinion and Order* was released by the Commission's Office of Engineering and Technology on October 19, 2010.

[3] *See* 47 C.F.R. § 15.711. The rules also contain provisions for devices that rely on spectrum sensing to determine available channels. *See* 47 C.F.R. § 15.717.

[4] *See* 47 C.F.R. § 15.713(a)-(b).

Commission databases.[5] The rules state that the Commission will designate one or more entities to administer a TV bands database.[6]

The Office of Engineering and Technology (OET) released a public notice on November 25, 2009 inviting entities interested in being designated as a TV bands database administrator to file proposals with the Commission and inviting comments on the proposals.[7] The notice requested that entities address how the basic components of a TV band database(s) as required by the Commission's rules would be satisfied—*i.e.*, a data repository, a data registration process, and a query process—and whether the entity sought to provide all or only some of these functions and affirm that the database service will comply with all of the applicable rules. Nine parties filed proposals in response to this notice.[8]

On January 26, 2011, OET issued an order designating all nine parties that filed proposals as TV bands database administrators, subject to certain conditions. Specifically, the administrators were required to: 1) supplement their initial filings to show how they will comply with the rule changes adopted in the *Second MO&O*, 2) attend workshops conducted by OET to address the operation of the databases to ensure consistency and compliance with the rules, 3) cooperate with any steps OET deems necessary to ensure compliance with the rules, and 4) agree that they will not use their capacity as a database manager to engage in any discriminatory or anti-competitive practices or any practices that may compromise the privacy of users. In addition, each administrator's database will be subject to a trial period of not less than 45 days before it is allowed to be made available for actual use by TV bands devices to allow interested parties an opportunity to check that the database is providing accurate results. OET has conducted two workshops since the release of the January 26, 2011 order.[9]

Microsoft's proposal addresses the questions in the November 25, 2009 public notice that invited proposals from parties seeking to be designated as database administrators. In addition, Microsoft provided information to show that it complies with the rule changes adopted in the *Second MO&O* and states that it will comply with the other three conditions in the January 26, 2011 order that conditionally designated the nine database administrators. We note that Microsoft representatives attended both of OET's database administrator workshops.

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[5] *Id.* (*e.g.*, the locations of cable headends and low power TV receive sites that are outside the protected contours of the TV stations whose signals they receive; the locations where authorized wireless microphones and other low power auxiliary devices are used on a regular or scheduled basis).

[6] *See* 47 C.F.R. § 15.715.

[7] *See* "Office of Engineering and Technology Invites Proposals from Entities Seeking to be Designated TV Band Device Database Managers," Public Notice, DA 09-2479, ET Docket No. 04-186, rel. Nov. 25, 2009. The information requested in the Public Notice was based on rules for TV bands databases and administrators adopted in the *Second Report and Order and Memorandum Opinion and Order (Second Report and Order)* in ET Docket No. 04-186, 23 FCC Rcd 16807 (2008).

[8] These parties were Comsearch, Frequency Finder Inc., Google Inc., LS Telcom AG (formerly KB Enterprises LLC and LS Telcom), Key Bridge Global LLC, Neustar Inc., Spectrum Bridge Inc., Telcordia Technologies, and Airity, Inc. (formerly WSdb LLC).

[9] These workshops were held on March 10, 2011 and April 20, 2011 at the FCC Laboratory in Columbia, Maryland.

We intend to consider designating Microsoft as a TV bands database administrator. Consistent with our previous action in this proceeding, we are providing an opportunity for interested parties to file comments on the Microsoft proposal. Comments are due by the dates listed above. We will review the proposal, comments, and reply comments before making a decision on whether to designate Microsoft Corporation as a TV bands database administrator. We will also request any additional information that we deem necessary to assist us in making a decision.

The TV bands database is the subject of a docketed proceeding, ET Docket No. 04-186, and comments may be filed using the FCC's Electronic Comment Filing System (ECFS) as described below. Interested members of the public who wish to make their views known in connection with ET Docket No. 04-186 may submit comments for inclusion in ECFS.[10] A simplified interface for ECFS has been implemented to facilitate consumer comment. Documents filed on ECFS may be accessed and reviewed on that system, which contains copies of written submissions and summaries of oral submissions regarding the white spaces proceeding.

Pursuant to sections 1.415 and 1.419 of the Commission's rules 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. All such filings should refer to **ET Docket No. 04-186**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: http://fjallfoss.fcc.gov/ecfs2/ or the Federal eRulemaking Portal: http://www.regulations.gov.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

  Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

[10] *See* FCC, Electronic Comment File Submission, http://fjallfoss.fcc.gov/prod/ecfs/upload_v2.cgi.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties should also send a copy of their filings to Hugh L. Van Tuyl, Office of Engineering and Technology, Federal Communications Commission, Room 7-A162, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to Hugh.VanTuyl@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in **ET Docket No. 04-186** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

Questions regarding this Public Notice may be directed to Alan Stillwell at (202) 418-2470 or Hugh L. Van Tuyl at (202) 418-7506.

By the Chief, Office of Engineering and Technology.

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