August 4, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in WT Docket Nos. 04-151 and 04-186.

Dear Ms. Dortch:

On August 3, 2004, Harold Feld, Associate Director, Media Access Project (MAP), and Ben Scott, Free Press, met with the following members of the Office of Engineering and Technology: Edmond J. Thomas, Chief, Alan J. Scrime, Chief, Policy and Rules Division, Bruce A. Franca, Deputy Chief, Julius P. Knapp, Deputy Chief, James D. Schlichting, Deputy Chief, and Alan Stillwell, Senior Associate Chief (hereinafter "Staff") concerning the above captioned matters.

Mr. Feld then brought up two concerns relating to the 3650-3700 MHz band. First, Mr. Feld observed that there are differences between commercial and non-commercial uses of the spectrum and expressed his concern that the professional installation requirement could cripple the non-commercial community networks due to the cost associated with such a requirement. He pointed out that non-commercial community networks depend primarily on volunteers and many exist largely communities where English is not the primary language. Mr. Scott described the community wireless networks in Austin, Chicago and Urbana, and explained to Staff that a professional installation requirement would have seriously hindered deployment by discouraging even technically trained people from volunteering their time. Staff emphasized that the Commission's goal behind the professional installation requirement is to prevent interference that could create a safety hazard. Staff stated that the Commission would not require sophisticated training or expensive testing to satisfy the professional installation requirement, but stated that there must be a minimum standard.

Mr. Feld's second concern relating to the 3650-3700 MHz band was the Commission's proposed requirement for identification beacons on both low-power and high power devices. While the parties generally agreed that ID beacons are appropriate for high power devices, Mr. Feld emphatically stated they are not appropriate for low power devices because of the possibility of identity theft of laptop users. Staff was receptive to this point and stated that although their original concern was tracking the source of interference, the Commission would take Mr. Feld's point into consideration. Mr. Feld then reiterated MAP's support of the Commission opening 3650-3700 MHz to unlicensed devices and opposition to creating another licensed service.

Staff asked Mr. Scott to discuss non-commercial organizations' general position on higher power devices, as proposed in the NPRM. Mr. Scott stated that some noncommercial users in urban areas oppose higher power devices because they fear interference from such devices for lower power mesh networks. Rural community networks, however, preferred

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access to high power devices for backhaul, to penetrate or circumvent natural features that block lower power devices,and to reach isolated individuals. Mr. Scott stated that nearly all non-commercial operators he spoke to favored retaining flexibility, and expressed concern that the Commission not lock itself into a single approach. Mr. Scott also expressed concern that the Commission not set a precedent in this proceeding for locking noncommercial operators out of low power use (as proposed by IEEE) or create barriers to deployment for high power devices via certification requirements.

The final issue of discussion was the NPRM on unlicensed operation in the broadcast bands. Mr. Feld expressed his confusion on what the FCC was proposing. Staff replied that the NPRM seeks suggestions on how WISPS or wireless devices can determine what channels are free for use in order to minimize interference. Mr. Thomas clarified that the Commission's intention is not necessarily to pick one methodology, but to gain suggestions of how this goal might be accomplished.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld
Associate Director