



October 23, 2008

The Honorable Kevin Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: Ex Parte Communication, ET Docket Nos. 04-186, 02-380

Dear Mr. Chairman:

Our four companies have worked with MSTV, NAB and other interested parties toward a plan to utilize white spaces in the television band because we recognize that better utilization of this spectrum could mean improved broadband deployment, especially in rural areas, and economic growth nationally.

Given the progress that has been made on a workable plan, we are particularly concerned with two aspects of the proposal on the Commission's November 4th agenda.

First, the conclusions in the Office of Engineering and Technology's TV White Space Phase II Test Report, released only last week, seem at odds with much of the data in the same report. In particular, given the sustained and repeated failure of sensing devices and technology reported by OET, it is hard to understand how the report supports a "proof of concept" for sensing, and even harder to see how that "proof of concept" constitutes the kind of solid scientific foundation the Commission normally requires before proceeding to adopt a rule allowing a new service.

Second, there is no data in the OET report that gives comfort that a 40 milliwatt device operating on the first adjacent channel in a market would not cause widespread interference disrupting television viewing for unacceptable numbers of viewers in such a market. The 40 milliwatt provision sounds like a political compromise rather than one driven by rigorous science and the laws of physics.

The Honorable Kevin Martin

October 23, 2008

Page 2

In fact, OET's March 2007 Report on Interference Rejection Thresholds of Consumer DTV Receivers gives considerable evidence that overpowered unlicensed devices using first adjacent channels will cause massive interference to the signals millions of viewers are trying to watch.

With those two large questions hovering over this item, it seems to us only prudent and responsible that the current white space proposal, and the OET report, should be put out for comment and peer review. After all, the FCC has to get this matter right the first time. If millions of unlicensed devices flood the market in the next few years, and it turns out that sensing still does not work, or that 40 milliwatts is far too high, or some other unrecognized variable not caught by OET emerges, and the result is massive disruption to Americans' #1 news, leisure and entertainment option, how will that damage be undone?

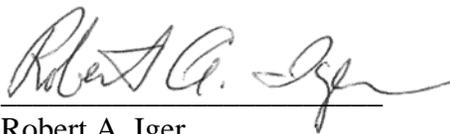
We should add that the resulting interference from poorly conceived unlicensed devices would affect not just over the air broadcasting, but also viewing of cable delivered programming.

On the other hand, based on the additional and comprehensive review that would result from a further notice, we are committed to working with the proponents and other parties toward a solution in the near term that advances widespread utilization of the white spaces in a way that does not unduly jeopardize television viewing by millions of Americans.

Sincerely,



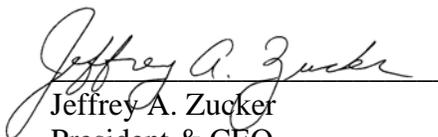
Peter Chernin
President & COO
NEWS CORPORATION



Robert A. Iger
President & CEO
THE WALT DISNEY COMPANY



Leslie Moonves
President & CEO
CBS CORPORATION



Jeffrey A. Zucker
President & CEO
NBC UNIVERSAL

CC: The Honorable Daniel Inouye
The Honorable Kay Bailey Hutchinson
The Honorable John Dingell
The Honorable Joe Barton
The Honorable Michael Copps
The Honorable Jonathan Adelstein
The Honorable Robert McDowell
The Honorable Deborah Tate
Secretary Marlene H. Dortch