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

Re: Ex Parte Presentation of Clarity Media Systems, LLC in DA 07-1946

Dear Ms. Dortch:

This letter provides notice that on August 17, 2007, representatives of Clarity Media Systems, LLC ("Clarity") and KlaasKids Foundation met with Julius Knapp, Ira Keltz, Ron Chase, Mark Settle, Jim Burtle, Jamison Prime, and Bruce Romano of the Office of Engineering and Technology ("OET") to discuss matters pertaining to the above-referenced proceeding. Clarity was represented at the meeting by Ian Williams, Vice President, J. Patrick Loughboro, President, Loma Scientific International, Howard A. Topel and Stephen D. Baruch of Leventhal Senter & Lennan PLLC, and Amy R. Mehlman of Mehlman Capitol Strategies, Inc. The KlaasKids Foundation was represented by Marc Klaas, President. The above-referenced proceeding has been designated to be a permit-but-disclose proceeding for ex *parte* purposes. See Waiver Requests by Clarity Media Systems, LLC to Operate Cars Stations at *Flying* J Travel Plazas, DA 06-1664, at 2 (released August 23, 2006).

The Clarity representatives opened by stating that Clarity's proposal to provide professional long-haul truck drivers with real-time television programming, including specially produced public safety and alert information which, among other things, will contribute to the recovery of abducted or missing children and adults, is overwhelmingly in the public interest, and that they had come to explore finding a path to be able to fulfill the public interest.

Mr. Loughboro described Clarity's proposal to use state of the art technology to serve a small area of a highway parking lot with 14 six MHz channels digitally compressed into five program channels each for a total of 70 channels, transmitted omnidirectionally with electronic beamtilt and peak of pattern and energy directed to the center of the parking lot. He stated that, during frequency coordination which the Media Bureau had required, Clarity had provided all of its operating parameters to broadcast ENG operators licensed within the Bureau-specified area,

and requested the same information from ENG operators regarding their receivers but did not receive answers.

Mr. Loughboro said that Clarity has tested and proved the non-interference of its proposal on paper, in the laboratory, and in the field. He pointed out that the OET Experimental License granted to Clarity permitted tests at up to 1 W per channel; no interference was observed during tests at that power; and Clarity has learned from the tests that it does not need or desire to transmit that much power, has applied for a maximum power of 200 mW per channel, and does not expect to use more than 100 mW at most of its sites. He explained that signal strength variation within the parking lot of over 18dB precludes Clarity from turning up its transmitter power, and that the facility is a designed system from transmitter to and including the receiver; it is not a collection of components. And, in response to a question of Mr. Knapp, Mr. Loughboro explained that multipath distortion predicted to be caused by numerous trucks acting as reflectors on the parking lot could not be prevented by using multiple broadcast antenna systems. He observed that neither the objectors nor the Commission has suggested a power level different from the one that Clarity has proposed with which Clarity's service to the parking lot areas could be provided, and, if such a suggestion were made, he could respond to it.

Mr. Williams emphasized that Clarity has conducted tests at five times the power level proposed, during which ENG trucks were transmitting on Clarity properties and drove around to ENG receive sites to find harmful interference, but observed none. Mr. Loughboro commented that improved receiver thresholds (-94dBmW versus -86dBmW) and greater tolerance for Desired to Undesired signal ratios (8dB versus 40dB) in new digital receivers will result in ENG systems being more robust than those with analog receivers that broadcast representatives had brought for the tests. Mr. Williams explained Clarity's intention to provide its service to drivers on a low-cost basis that they can afford. He and Mr. Loughboro commented that the keyhole effect that broadcast opponents have predicted is unlikely to occur in actuality and that Clarity had responded to comments made during prior meetings with the Media Bureau by developing a unique, unprecedented protocol by which ENG operators can shut down Clarity's transmitters either preemptively or upon receipt of interference from any source. Mr. Loughboro stated that ENG use of mobile receivers is not common and ENG transmissions typically try to reach highly elevated sites with which Clarity's low-power from low-radiation-center transmissions cannot interfere. He and Mr. Williams explained that, even in a perfect storm of bore site alignment of ENG and Clarity transmitters, any area of harmful interference would have to be within the parameters of Flying J's property and that shutdown of Clarity's transmitter any time an ENG vehicle is or will be on that site will eliminate any problem. Mr. Loughboro mentioned that ENG operators have many tools, such as antennas with four polarizations (horizontal, vertical, right hand circular, and left hand circular), inherent directivity with good side lobe suppression and front to back ratios, etc., all of which are routinely used to avoid harmful interference. In the unlikely event of a bore-site alignment scenario, these tools would effectively reduce undesired signals to levels well below receiver thresholds.

Mr. Knapp offered to provide the opponents' data to Clarity. Clarity's representatives stated that they are unaware of any link budget analysis that opponents submitted; that, in fact, there is no evidence in the record that supports the Order's dispositive interference finding; and

that broadcast opponents came belatedly to rely on a circle drawn on a map and labeled zone of interference with no explanation of the technical derivation of the circle. Mr. Loughboro requested that he be provided with any parameters and calculations that were used in making the Order's interference finding, since none are stated in the Order. He also stated that packet switched Internet delivery systems and systems that require contention based protocol, dynamic frequency selection and transmitter power control (i.e. listen before talk) that will cause repeated interruptions to Clarity's programming service are not viable for television. The importance of a fair look at the evidence of record regarding the interference issue was highlighted.

Pursuant to the Commission's rules, the original and one copy of this letter are submitted for inclusion in the file of the above-referenced proceeding. Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,

Howard A. Topel

Howard A. Topel
Attorney for ***Clarity Media Systems, LLC***

cc (by e-mail and hand delivery):
FCC Meeting Participants