



MAXIMUM SERVICE TELEVISION

**For Immediate Release**

October 30, 2008

**MSTV Files Freedom of Information Act Request with FCC  
Regarding TV White Spaces Engineering Report**

Washington, DC - David Donovan, President of MSTV stated:

We filed the Freedom of Information Act request because the FCC's peer review process was seriously flawed. The information released by the FCC on October 28, 2008, in response to House Commerce Committee Chairman John Dingell raises significant questions.

First, the Office of Engineering and Technology's letter requesting peer review on September 11, 2008, states: *"We plan to publish the report and invite public comment in the same manner as the Phase I report."* Why were these plans abandoned?

Second, the peer review report was completed on October 1, 2008. However, the peer review analysis makes no mention of the most important finding in the Phase II Report – that the burden of "proof of concept" had been met with respect to spectrum sensing technology. This purported conclusion is the key to the FCC's proposal. It is simply amazing the peer review analysis would not mention this key finding.

This raises the question whether the Phase II Engineering Report submitted for peer review on September 11, 2008, and completed by October 1, 2008, was the same Phase II Report published by the FCC on October 15, 2008. Specifically, were the sentences stating that the "proof of concept" has been met in the first paragraph of the Phase II Report, added to the Report *after* the peer review was completed on October 1, 2008?

These are troubling questions given the FCC's plan not to put the Phase II OET report out for public comment and to rush a decision on the November 4<sup>th</sup> meeting. Because of these procedural irregularities, we urge the FCC to follow its own procedure, and place the Phase II Report out for public comment.

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*For further information, contact David Donovan at [ddonovan@mstv.org](mailto:ddonovan@mstv.org) or 202/966-1956.*