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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
NORTHPOINT TECHNOLOGY)
)
Petition for Rule Making To Modify Section)
101.147(p) of the Commission's Rules To)
Authorize Subsidiary Terrestrial Use of the)
12.2-12.7 GHz Band By Digital Broadcast)
Satellite Licensees and their Affiliates)

RM No. 9245

To: The Commission

REPLY COMMENTS OF PRIMESTAR, INC.

PRIMESTAR, Inc. ("PRIMESTAR"), by counsel and pursuant to Section 1.405 of the Commission's Rules, hereby submits its Reply Comments regarding the above-captioned Petition for Rulemaking ("Petition") filed by Northpoint Technology ("Northpoint"). In its Petition, Northpoint requested amendment of the Commission's Rules to authorize subsidiary terrestrial use of the 12.2 - 12.7 GHz Band by Direct Broadcast Satellite ("DBS") licensees and their affiliates. In support of this request, Northpoint submitted results of an experimental trial of its proposed terrestrial system conducted by Diversified Communications Engineering, Inc., under Experimental License WA2XMY. Northpoint argued that these tests demonstrated the feasibility of non-interfering terrestrial use of the 12.2-12.7 GHz Band.

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Discussion

Comments regarding Northpoint's Petition were filed by numerous DBS licensees and other parties with interests in the 12.2-12.7 GHz Band, including PRIMESTAR.¹ Upon examination of Northpoint's technical showing, each party concluded that Northpoint has failed to demonstrate that its proposed terrestrial system can operate in the 12.2-12.7 GHz Band without causing harmful interference to DBS operations there.² The commenters base their conclusions both on the limited scope of Northpoint's own experimental tests³ and on a number of erroneous or unacceptable assumptions made by Northpoint with respect to acceptable levels of interference to DBS operations which could be caused by its system.⁴ The commenters agree that, unless and until Northpoint can conclusively demonstrate that its proposed use of the 12.2-12.7 GHz Band will not cause unacceptable interference to DBS operations in that Band, institution of any proceeding by the Commission to modify its rules regarding permissible operations in that Band is premature.

¹ See Comments of United States Satellite Broadcasting Company, Inc. ("USSB"); Comments of Tempo Satellite, Inc. ("Tempo"); Opposition of DIRECTV, Inc. ("DIRECTV"); Opposition of EchoStar Communications Corporation ("EchoStar"); Opposition of SkyBridge L.L.C. ("SkyBridge").

² SkyBridge also maintains that Northpoint has failed to demonstrate how it will protect non-geostationary orbit ("NGSO") Fixed-Satellite Service ("FSS") systems.

³ See, e.g., USSB at 4; DIRECTV at 5; SkyBridge at 16

⁴ See, e.g., EchoStar at 9; DIRECTV at 3

Conclusion

PRIMESTAR reiterates its position, also voiced by other commenting parties, that the service goals proposed by Northpoint (i.e., integration of local programming into DBS) in themselves are not objectionable.⁵ However, like each of the other commenting parties cited herein, PRIMESTAR believes that Northpoint has not made a sufficient technical showing to warrant its proposed change of the Commission's Rules at this time. Thus, PRIMESTAR urges the Commission to deny Northpoint's Petition.

Respectfully submitted,

PRIMESTAR, INC.

By: 

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May 5, 1998

⁵ See, e.g., DIRECTV at 2 (Northpoint's service goals "potentially beneficial"); USSB at 4 (Northpoint's technology "shows considerable promise if proven viable").

CERTIFICATE OF SERVICE

I, Vickie D. Duplissey, a secretary with the law firm of Reed Smith Shaw & McClay LLP, do hereby certify that this 5th day of May, 1998, I have caused the foregoing "Reply Comments of PRIMESTAR, Inc." to be delivered via first class mail, postage prepaid, to the following:

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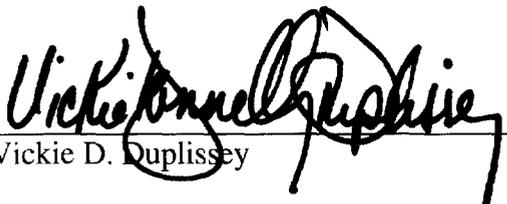
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