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Washington, DC
Frankfurt, Germany

WILKINSON, BARKER, KNAUER & QUINN, LLP

2300 N Street, NW
Washington, DC 20037-1128

telephone: 202.783.4141
facsimile: 202.783.5851

March 31, 1999

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

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MAR 31 1999

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

EX PARTE OR LATE FILED

Re: Amendment of Parts 21 and 74 To Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees To Engage In Fixed Two-Way Transmissions -- MM Docket No. 97-217 and RM-9060: NOTICE OF EX PARTE COMMUNICATION

Dear Ms. Salas:

I am writing to report that on March 30, 1999, Robert Hostetler, President and CEO of American Telecasting, Inc. ("ATI"), Todd Rowley, Senior Vice President of Peoples Choice TV Corp. ("PCTV"), Gerald Stevens-Kittner, Executive Vice President of CAI Wireless Systems, Inc. ("CAI"), Patrick McConnell, chairman of the coalition of over 110 companies that filed the petition for rulemaking that commenced MM Docket No. 97-217, and the undersigned met on behalf of the over 110 licensees, system operators, equipment vendors and consultants that submitted the petition for rulemaking that commenced this proceeding (the "Petitioners") with Commissioner Susan Ness, Anita Wallgren, her Legal Advisor, and David Fligor, an intern, to discuss the progress ATI, PCTV and CAI have made towards the deployment of two-way wireless broadband services and the various issues raised by the pending petitions for reconsideration of the *Report and Order* in this proceeding.

The discussion relating to this proceeding focused on the three issues. First, the Petitioners emphasized that unless the Commission adopts proposals advanced by the Petitioners and others (including many in the ITFS community) to extend the streamlined geographic-based licensing system to ITFS modification applications beyond applications to add response station hubs or new boosters, application processing delays will inevitably prevent the industry from rapidly deploy wireless broadband services. Second, the Petitioners stressed the importance of amending the rules requiring professional installation of all response stations and 20 days advance notice of certain response station activations in order to promote the commercial viability of MDS/ITFS based services in the competitive marketplace. Finally, the presentation stressed the importance of resolving the pending petitions for reconsideration rapidly and soon thereafter opening a single window for the filing

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of applications for response station hubs, boosters and other ITFS modifications in order to allow the rapid deployment of wireless broadband services.

Please contact the undersigned should you have any questions regarding this *ex parte* presentation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul J. Sinderbrand', written in a cursive style.

Paul J. Sinderbrand

cc: Hon. Susan Ness
Anita Wallgren
David Fligor