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October 29, 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: **Ex Parte Presentation In File No. 0094-EX-ST-1999**
ET Docket No. 98-206, RM-9147; RM-9245

Dear Ms. Salas:

Pursuant to Section 1.206 of the Commission's rules and regulations, 47 C.F.R. § 1.1206, the purpose of this letter is to report that, on October 27, 1999, representatives of EchoStar Satellite Corporation ("EchoStar") had *ex parte* meetings with Don Abelson, Tom Tycz, Rosalee Chiara and Harry Ng of the International Bureau and Bruce Franca of the Office of Engineering and Technology. At the meeting, the EchoStar representatives pointed out that, as the experiment of Diversified Communications Engineering, Inc. ("Northpoint") in the Washington, D.C. area has demonstrated, Northpoint's operation has degraded the link availability of EchoStar's service by amounts far exceeding the criteria of acceptable interference into DBS services from non-geostationary satellites, as well as the criterion of Appendix 30 to the International Radio Regulations for acceptable modifications of DBS systems.

EchoStar also protested that Northpoint deprived EchoStar of the ability to monitor its testing during rain conditions by violating a condition to its authorization requiring Northpoint to provide its test plans to EchoStar at least one week in advance of testing. Northpoint in fact provided its plan for its rain testing to EchoStar on September 16, 1999 – the same day on which it commenced the testing – and then exacerbated its disregard for the conditions to its authorization by retroactively revising its plan several days after the fact.

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Finally, EchoStar discussed the contents of the attached preliminary Technical Report on Northpoint's testing.

An original and one copy of this letter and attachment hereto are submitted for inclusion in the above-captioned file numbers.

Very truly yours,



Pantelis Michalopoulos
Attorney for EchoStar Satellite Corporation

cc: Antoinette Cook Bush, Skadden Arps Slate
Meagher & Flom, LLP (Northpoint) (w/encl.)
Donald Abelson (w/encl.)
Bruce Franca (w/encl.)
Tom Tycz (w/encl.)
Rosalee Chiara (w/encl.)
Harry Ng (w/encl.)

**DOCUMENT AVAILABLE
IN THE LEAD
DOCKET/RULEMAKING**

SEE DOCKET NO. *98-206* FOR THE DOCUMENT.