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May 11, 2000

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

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: WRITTEN EX PARTE COMMUNICATION*

Dear Ms. Salas:

I am writing on behalf of the coalition of the over 110 companies that filed the petition for rulemaking that commenced MM Docket No. 97-217 (the "Petitioners") and IPWireless, Inc. ("IPWireless") to advise the Commission that the Petitioners and IPWireless have reached a compromise as to one of the issues pending before the Commission in this proceeding – the appropriate level of emissions that a response station should be permitted to generate when not directly engaged in communications with a response station hub.

In their February 10, 2000 Consolidated Comments and Partial Opposition, the Petitioners endorsed IPWireless' proposal for a loosening of the spectral mask set forth in Sections 21.908(d) and 74.936(f) for low-power response stations. However, the Petitioners expressed concern regarding the potential for interference due to noise emitted by response station transceivers when not engaged in direct communications with a response station hub.<sup>1/</sup> As IPWireless reported to the Commission in its reply, IPWireless and the Petitioners have since engaged in a dialog regarding the appropriate measure for minimizing the potential for such interference. They have now agreed upon a compromise solution.

Simply put, the Petitioners have proposed, and IPWireless has concurred, that the Commission amend Sections 21.909(m) and 74.939(o) of its rules to specifically provide that when a response station is not in communications with its associated hub, it must restrict its field strength (measured at a distance of three meters from the response station antenna). Recognizing that it is more practical to measure the unwanted emissions radiated (after

<sup>1/</sup> See Petitioners' Consolidated Comments and Partial Opposition, and

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antenna gain), among other reasons, the Petitioners and IPWireless have agreed upon a two-prong test, depending upon whether the gain of the response station antenna exceeds 6 dB. Specifically, they propose that Sections 21.909(m) and 74.939(o) be revised by adding at the end of each the following language:

“When not engaged in communications with its associated response station hub, a response station shall maintain the field strength of its emissions to no more than:

$$E_{T_{off}} \leq 10 \mu V / m \text{ for } G_A \leq 6 \text{ dB}$$
$$E_{T_{off}} \leq 10 \times 10^{\frac{(G_A - 6)}{20}} \mu V / m \text{ for } G_A > 6 \text{ dB}$$

where

$E_{T_{off}}$	=	Field strength in microvolts/meter (measured at a distance of 3 meters with a 1 MHz resolution bandwidth) of a response station in the “off” state
$G_A$	=	Gain in dB of the response station antenna”

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

Respectfully submitted,



Paul J. Sinderbrand

cc: Charles Dziedzic  
Joseph Johnson  
David Roberts