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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 13, 2000

Via Hand Delivery

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th St., S.W., Room TW-B204
Washington, D.C. 20554

Re: Ex Parte File Nos. ET Docket No. 98-206,
48-SAT-P/LA-97, 89-SAT-AMEND-97,
130-SAT-AMEND-98

Dear Ms. Salas:

This letter is written on behalf of SkyBridge LLC ("SkyBridge"), in response to a letter filed by Northpoint Technology, Ltd. ("Northpoint") in the above-referenced docket on July 11, 2000 (the "Northpoint Letter"). The Northpoint Letter responds to a letter filed by SkyBridge on July 10, 2000 (the "SkyBridge Sharing Proposal"), in which SkyBridge outlined a regulatory framework within which it believes that its nongeostationary orbit ("NGSO") fixed satellite service ("FSS") system and Northpoint's point-to-multipoint ("PTM") terrestrial system could coexist in the 12.2-12.7 GHz band. Northpoint's response to the SkyBridge Sharing Proposal is both disappointing and startling in its arrogance.

First, Northpoint willingly accepts the additional protection for its system (via operational limits on NGSO systems) suggested by SkyBridge in the Sharing Proposal. But it flatly rejects the reciprocal limits on Northpoint's operations. See Northpoint Letter at 1. Northpoint finds the carefully crafted balance proposed by SkyBridge to be "completely unacceptable," without explanation or a suggested alternative.^{1/} Apparently, Northpoint views coexistence as a one-way street; all who wish

^{1/} See Northpoint Letter at 1. Northpoint states that SkyBridge's proposed power limits "were apparently developed by SkyBridge alone." *Id.* On the contrary, they were based on the output of extensive technical discussions among SkyBridge's

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to use the 12.2-12.7 GHz band (including incumbent DBS operators) must bend to Northpoint's will.^{2/}

This abrupt demonstration of Northpoint's true approach to coexistence at least has the virtue of confirming for NGSO applicants, DBS operators, and the Commission the extent of Northpoint's intransigence. Indeed, Northpoint goes so far as to object to SkyBridge's suggestion that the Sharing Proposal be placed on public notice for comment. See Northpoint Letter at 2. What does Northpoint fear from a public discussion of SkyBridge's proposal?^{3/}

SkyBridge has worked over the past three years to achieve a viable basis for coexistence with the geostationary orbit ("GSO") satellite community, the Fixed Service ("FS"), and with Northpoint. SkyBridge has been able to reach consensus with the entrenched GSO and FS incumbents. While SkyBridge is disappointed by Northpoint's continued intransigence, it is not surprised. Throughout this proceeding, Northpoint has behaved as if all other interests must be sublimated to its own. For example, Northpoint has strenuously -- but without any basis in law or fact -- sought to deny other proposed PTM systems the opportunity to compete for the licenses that Northpoint seeks. Northpoint touts as a model for its vision of "sharing" its arrangement with Virgo, whereby Virgo effectively vacates the subject band. Now Northpoint flatly rejects SkyBridge's good faith attempt to at least begin to formulate a basis for

^{1/} (...continued)

and Northpoint's respective engineering teams. While the precise limits proposed by SkyBridge may not reflect Northpoint's favored outcome, they are far from the sort of unilateral speculation implied by the Northpoint Letter.

^{2/} This is, of course, consistent with the "sharing" regime agreed to by Northpoint and Virtual Geosatellite, LLC ("Virgo"), whereby Virgo has essentially abandoned all use of the 12.2-12.7 GHz band; this is Northpoint's version of sharing. See Northpoint Letter at 2.

^{3/} In Northpoint's rush to foreclose all debate regarding a possible compromise, it goes so far as to flatly misrepresent the position of The Boeing Company ("Boeing") regarding NGSO/PTM coexistence in the 12.2-12.7 GHz band. Contrary to Northpoint's assertion, see Northpoint Letter at 2, Boeing has never advocated segmenting the Ku-band so that NGSO systems operate at 11.7-12.2 GHz, with PTM systems at 12.2-12.7 GHz. Indeed, partly as the result of earlier mischaracterizations of Boeing's position by Northpoint, Boeing twice filed unambiguous clarifications of its views on the subject in May of this year. See Letters to William A. Kennard, Chairman, from David A. Nall, Esq., attorney for The Boeing Company, dated May 1, 2000, at 2; Letter to Magalie Roman Salas, Secretary, from David A. Nall, Esq., dated May 31, 2000, at 1. Northpoint's continued attempts to distort Boeing's position further illustrate the lengths to which Northpoint will go to achieve its goals.

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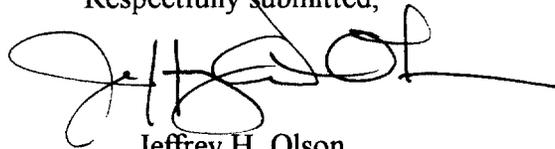
NGSO/PTM coexistence in the 12.2-12.7 GHz band, and objects to the suggestion that other interested parties have an opportunity to comment on the SkyBridge Sharing Proposal.

The issues in this proceeding regarding NGSO/GSO/FS sharing at Ku-band, including the 12.2-12.7 GHz band, are ripe for decision. The Commission should proceed as expeditiously as practicable to establish the proposed co-primary allocation for NGSO systems, consistent with the outcome of WRC-2000. Once this basic regulatory framework for NGSO FSS operations at Ku-band is set, the NGSO licensing process can move forward.

With regard to whether PTM systems such as Northpoint's should be permitted in the 12.2-12.7 GHz band, obviously, a number of issues remain unresolved; further inquiry is needed. For its part, SkyBridge will, as it has in the past, continue to undertake to identify frequency sharing solutions that can accommodate all legitimate needs. Consistent therewith, SkyBridge requests that the Commission issue a public notice requesting comments on its Sharing Proposal. Northpoint can comment or not, as it chooses.

If there are any questions regarding this matter, please contact the undersigned.

Respectfully submitted,



Jeffrey H. Olson
Attorney for SkyBridge LLC

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