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September 8, 2000

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**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,  
RM-9147, RM-9245, DA 00-1841

Dear Madam Secretary:

This letter is written on behalf of SkyBridge LLC ("SkyBridge") in response to the "Ex Parte Submission of Northpoint Technology, Ltd., and BroadwaveUSA," filed August 29, 2000 ("Northpoint Pleading") in the above-referenced matters.<sup>1/</sup>

Put briefly, the Northpoint Pleading is replete with factual and legal errors. Indeed, almost every point that is critical to the various arguments raised by Northpoint is predicated on a patently false factual premise and/or relies on glaringly erroneous legal analysis.<sup>2/</sup> SkyBridge will provide more detailed comments on these

<sup>1/</sup> Herein, SkyBridge will refer to both Northpoint Technology, Ltd., and BroadwaveUSA as "Northpoint."

<sup>2/</sup> These matters include, inter alia: (1) that the January 8, 1999, cut-off date for filing applications for nongeostationary orbit ("NGSO") Ku-band satellite systems, see International Bureau Satellite Policy Branch: Cut-off Established, Public Notice, Report No. SPB-141, released November 2, 1988, can in no way be reasonably construed as applying to any terrestrial services; (2) that the prohibition contained in the Open-Market Reorganization for the Betterment of International Telecommunications Act, P.L. 106-180, § 647 (Mar. 7, 2000), on auctioning global satellite spectrum can only be construed as applying to licenses for satellite services; (3) that the Satellite Home Viewer Improvement

(continued...)

Magalie Roman Salas, Secretary  
September 8, 2000

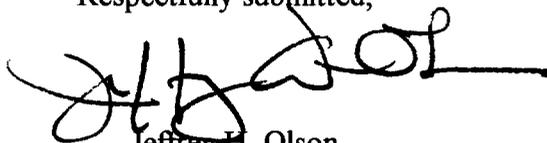
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matters as soon as practicable. However, one of Northpoint's inaccurate factual claims is so astonishing that it requires immediate correction.

Northpoint flatly states that it "has resolved the [12.2-12.7 GHz] sharing issues with . . . SkyBridge."<sup>2/</sup> Northpoint's assertion is not true. As the Commission is well aware, Northpoint and SkyBridge have been holding sporadic discussions for over two years regarding various matters. However, no spectrum sharing agreement has been reached. While SkyBridge could speculate as to Northpoint's motivation for claiming otherwise, it cannot let the record go uncorrected on this point.<sup>4/</sup>

As noted supra, SkyBridge will soon file a more comprehensive response to the numerous other factual and legal errors that run throughout the Northpoint Pleading. 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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<sup>2/</sup> (...continued)  
Act, P.L. No. 106-113, 113 Stat. 1501, Appendix I, § 2002, in no way compels the Commission to license Northpoint (or anyone else) before November 2000; and (4) that there is no legal or factual basis for Northpoint's claim that its applications are inextricably intertwined with either the pending NGSO applications or the NGSO-related issues in the above-referenced rulemaking proceeding.

<sup>3/</sup> Northpoint Pleading at 13.

<sup>4/</sup> In the Summary of the Northpoint Pleading at 6, Northpoint cites to SkyBridge's July 10, 2000, letter to the Commission, see Letter to Magalie Roman Salas, Secretary, from Jeffrey H. Olson, Attorney for SkyBridge, in which SkyBridge proposed a technical framework within which it believes that its system and the Northpoint and other proposed terrestrial point-to-multipoint systems could share the 12.2-12.7 GHz band. In a July 11, 2000, filing, Northpoint vehemently rejected SkyBridge's proposal, claiming that SkyBridge had no basis for the technical parameters that it had proposed. See Letter to Magalie Roman Salas, Secretary, from David H. Pawlik, Esq., Attorney for Northpoint, dated July 11, 2000. If Northpoint has reconsidered its extreme position and is now embracing SkyBridge's July 10 proposal, it should do so in a less ambiguous manner.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Ex Parte submission of SkyBridge LLC was served this 8th day of September, 2000, by hand or by first class U.S. mail, on the following:

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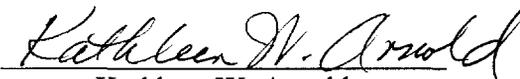
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