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September 25, 2000

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S.W.  
Counter TW-A325  
Washington, D.C. 20554

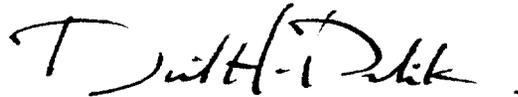
Re: ***Ex Parte Submission of Northpoint Technology, Ltd.***  
***ET Docket No. 98-206/RM-9147, RM-9245***

Dear Ms. Salas:

This letter is written to notify you that on September 25, 2000 Northpoint Technology, Ltd. sent a copy of the attached public statement to the following members of the Commission staff: Kathryn Brown, Clint Odom, Adam Krinsky, Mark Schneider, Peter Tenhula, Bryan Tramont, Donald Abelson, Ari Fitzgerald, Thomas Tycz, Harry Ng, Julie Garcia, Jennifer Gilsenan, Thomas Sugrue, Kathleen O'Brien Ham, Diane Cornell, Robert Calaff, Thomas Stanley, Mark Rubin, D'Wana Terry, Bruce Franca, Julius Knapp, Geraldine Matise, James Burtle, Thomas Derenge, Dale Hatfield, Ira Keltz, and Douglas Young.

An original and six copies of this letter and its attachment are submitted for inclusion in the public record for the above-captioned proceedings. Please direct any questions concerning this submission to the undersigned.

Sincerely,



David H. Pawlik  
Counsel for Northpoint Technology, Ltd.

No. of Copies rec'd 017  
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## **DBS ACTION RENEGING ON COMMITMENT TO CARRY LOCAL BROADCAST SIGNALS HIGHLIGHTS THE NEED FOR THE FCC TO PROMPTLY LICENSE BROADWAVE'S NORTHPOINT TECHNOLOGY**

Only one year ago the Direct Broadcast Satellite industry was lobbying Congress to allow DBS to begin carrying selected local television signals with the explicit promise that in time DBS would carry all the local stations in every market it served. Now, DBS has turned its back on this deal and on September 20, 2000 filed suit against the Federal Communications Commission, the Library of Congress and United States of America calling its obligation to carry all local stations unconstitutional.

Describing most local television as "of limited interest," "duplicative" and "not in harmony" with "DBS objectives," the DBS industry pleading demonstrates that DBS has no interest in fostering a diversity of voices or providing much needed local television service to rural and underserved areas.

Yesterday's DBS action stands in stark contrast to the 69 Broadwave affiliates that have filed applications at the FCC to provide satellite television subscribers and other consumers multiple channels of video programming, including all of the local television channels, and internet access to all 210 television DMA's in this country. Thus, as of today, the Broadwave affiliates are the only companies in the United States committed to providing all of the local broadcast signals to satellite television and other consumers in every television market, large and small.

The DBS industry's failure to live up to their promise to carry all local stations underscores the importance of prompt FCC action on the pending Broadwave applications and the Northpoint technology on which these applications are based.

Northpoint's patented technology is an innovative wireless system that operates from a series of land based transmission towers that can be quickly established in local areas at a low cost. This new high capacity system will provide consumers with a high quality, digital picture and other broadband content including high speed internet. Consumers receive Northpoint enabled services through a small dish antenna and set top box just as they currently receive DBS.

### **Broadwave FCC Status**

Broadwave's applications have been pended at the FCC since January 1999 and the underlying Northpoint system has been before the FCC since 1994. The FCC is expected to complete action in both the rulemaking and the licensing proceeding this year, an action ironically mandated by the same Satellite Home Viewers Act whose provisions the DBS industry has now rejected.

For More Information:

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