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November 3, 2000

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

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

Dear Ms. Salas:

In accordance with Section 1.1206 of the Commission's rules, 47 CFR § 1.1206, this letter is written to notify you that Sophia Collier and Antoinette Cook Bush of Northpoint Technology, Ltd. ("Northpoint") met on November 3, 2000 with Commissioner Harold Furchtgott-Roth and his advisors Bryan Tramont, Deena Margolies, and Julie Dunne. The parties discussed the licensing process for applications for terrestrial service filed by affiliates of BroadwaveUSA and the effect of the Satellite Home Viewer Improvement Act on that process. The Northpoint representatives provided a copy of a letter written by Representative Michael G. Oxley in which the Congressman notes that recent legislation that he sponsored does not prejudice the Commission's licensing process for these applications in any way. A copy of that letter is attached.

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.

Respectfully submitted,



David H. Pawlik  
Counsel for Northpoint Technology, Ltd.

cc: Commissioner Furchtgott-Roth  
Bryan Tramont  
Deena Margolies  
Julie Dunne

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October 23, 2000

The Honorable Ileana Ros-Lehtinen  
2160 Rayburn House Office Building  
Washington, DC 20515-0918

Dear Ileana:

Thank you for contacting me with the concerns of your constituent, Mr. Carlos Lidsky, regarding my amendment calling for an independent test of terrestrial systems (such as Northpoint/Broadwave) wishing to operate in the direct broadcast satellite (DBS) frequency band. I take great exception to Northpoint's suggestion that my amendment is anti-competitive and that it will harm rural consumers.

As you may know, the Federal Communications Commission (FCC) removed terrestrial systems from the DBS band in the 1980s to clear the way for the inception of DBS services. This action was based on the well-founded belief that terrestrial systems would create harmful interference with satellite systems. DBS has grown dramatically since that time, providing the main competition to cable in the multi-channel video marketplace.

As of this date, the FCC has made no decision to overturn that action and allow terrestrial systems to operate in the DBS band. Indeed, the matter is currently pending before the Commission. The Commission could very well decide that such frequency sharing is not technologically feasible.

However, even if the FCC determines in the near future that new terrestrial technologies allow for frequency sharing, the next step would be to "allocate" spectrum for that use. Following an allocation, the FCC would undertake a proceeding to establish appropriate regulatory terms for frequency sharing, as well as conducting a competitive auction of the spectrum in question. As a result, licensing decisions regarding specific applicants would not follow the allocation for a minimum of several months, if normal procedures are followed.

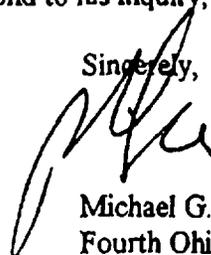
Therefore, as a practical matter, my proposed amendment for an expedited independent test in advance of licensing would cause no meaningful delay in the deployment of terrestrial systems. More importantly, my amendment is emphatically *pro-consumer*, as the very purpose is

to protect the service of this country's 15 million existing DBS customers, many of whom are located in rural areas. Moreover, my amendment is pro-competitive, inasmuch as healthy competition can exist only in a market where the rules are understood and signal interference is kept to a minimum.

As things now stand, my amendment has been reduced to a simple 60-day test of terrestrial services proposing to share the DBS band. The language of the amendment does not make licensing contingent on the outcome of the testing, nor does it prejudice the FCC's process in any way. The amendment is included in the current draft of the rural television loans measure, which is pending final consideration by both houses of Congress.

I hope this information has been responsive to the concerns of your constituent. I appreciate the opportunity to respond to his inquiry, and I thank you for sharing it with me.

Sincerely,



Michael G. Oxley, M.C.  
Fourth Ohio District

MGO/bf