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SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005-2111

TEL: (202) 371-7000

FAX: (202) 393-5760

http://www.skadden.com

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DIRECT DIAL  
(202) 371-7044  
DIRECT FAX  
(202) 661-9022  
EMAIL ADDRESS  
DPAWLIK@SKADDEN.COM

November 13, 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 Katherine B. Reynolds of Northpoint Technology, Ltd. ("Northpoint") met on November 9, 2000 with Commissioner Gloria Tristani and her Legal Advisor, Adam Krinsky.

The parties reviewed the most significant issues in this proceeding. The Northpoint participants outlined the public interest benefits of their proposed service offering, the technical aspects of Northpoint's technology, and sharing and interference issues with regard to other users in the 12.2 - 12.7 GHz band, and testing of the technology. They discussed the licensing process for applications for terrestrial service filed by affiliates of BroadwaveUSA in light of the Satellite Home Viewer Improvement Act and its legislative history. The Northpoint representatives urged prompt Commission action on the Broadwave Affiliate applications and grant of those applications along with the pending applications for NGSO FSS service in the same frequency band. They provided Mr. Krinsky with a copy of the enclosed bullet points.

An original and six copies of this letter 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 Tristani  
Adam Krinsky

## Public Interest Benefits Resulting from Licensing of Broadwave

- Prompt Service To The Public: Northpoint's Broadwave affiliates have committed to initiate digital multi-channel video and broadband services, including providing local television to DBS subscribers in target markets within six months of licensing and within all 210 television markets within two years of licensing.
- Digital Divide: Northpoint's low cost infrastructure and rapid deployment potential make it uniquely suited to addressing the digital divide by offering low cost digital services in both rural and urban markets.
- Spectrum Efficiency : The FCC does not need to clear a band for Northpoint's use. Terrestrial re-use of the 12 GHz band was unknown to the FCC prior to Northpoint's patented technology. Northpoint technology's has therefore created the bandwidth it seeks to use.
- New Entrants: All of the Broadwave applicants are new entrants.
- Diversity Of Voices: Once licensed, the Northpoint's Broadwave affiliates will comprise a new nationwide video and data network, *unaffiliated with any current content or service providers*. This new platform for programming and content will thus present a true alternative to both viewers and program providers.
- Price Competition To Cable: Northpoint's low cost infrastructure will allow Broadwave affiliates to offer services at substantially lower prices and bring price competition to the cable industry for the first time.<sup>1</sup>
- Rural Infrastructure: Northpoint's low cost repeater infrastructure can create a new digital wireless infrastructure in rural areas, most of which have no other realistic prospect for service by wireline or other broadband providers.
- Local Signal To Customers Of DBS: Northpoint's Broadwave affiliates have committed to carry all local channels from the first day of operation in even the smallest market. In fact, Northpoint even has an existing patented design that will allow DBS and terrestrial services to be combined on a single television set.
- Participation By Women And Minorities: Granting the Broadwave applicants would be the single greatest action ever taken in Commission history to diversify the ownership of communications resources. *Woman or male minorities control 80% of all Broadwave applicants – yet these applicants seek no special treatment. They only ask to be allowed to use a spectrum resource that was previous*

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<sup>1</sup> As documented in the FCC's *Sixth Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming* released 1/14/00, the introduction of DBS has not resulted in price competition or costs savings to consumers. See paragraph 245.

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unknown to the Commission and discovered and proven by their own efforts and patented technology.