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January 25, 2001

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
455 Twelfth Street, SW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Establishment of Rules and Policies for the Satellite Digital Audio Radio Service in the 2310-2360 MHz Band, IB Docket No. 95-91 WRITTEN EX PARTE COMMUNICATION

Dear Ms. Salas:

On January 11, 2001, the undersigned met with representatives of the two satellite Digital Audio Radio Service ("DARS") licensees and members of the Commission's staff to discuss the objections that have been raised by licensees and lessees in the Wireless Communications Service ("WCS"), Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") over plans by the DARS licensees to install an unrestricted number of terrestrial repeaters around the country that would operate at EIRP levels in excess of 400 watts/MHz. During the course of that meeting, we agreed to undertake certain actions and to report the results to the Commission. The purpose of this letter is to provide that report.

First, we undertook to provide information regarding the number of MDS/ITFS downconverters that are currently installed across the United States, the location of those downconverters, and the likelihood that those downconverters would be subject to a proposal by the Wireless Communications Association International, Inc. ("WCA") under which DARS licensees would be required to replace downconverters installed prior to August 20, 1998 under certain circumstances. Unfortunately, neither the Commission nor any single source maintains a database from which this information can be extracted. However, we are annexing hereto a report prepared by Paul Kagan Associates, Inc. and published in the December 12, 2000 issue of *Wireless-Private Cable Investor* which shows that there are approximately 778,000 households receiving MDS/ITFS service. With the exception of the markets where BellSouth is listed as the operator, and Los Angeles and Phoenix (all of which utilize digital technology that, in most cases, was installed after August 20, 1998), it is our understanding that the remainder of the listed markets operate using analog technology. From this information, it can be assumed that a large majority of these households utilize downconverters that were installed prior to August 20, 1998.

Second, we committed to undertake a review of the impact DARS terrestrial facilities would have on WCS systems if the DARS licensees were to operate a limited number of high power (above 400 watts/MHz) terrestrial repeaters, and the impact DARS licensees would have on WCS systems if the DARS licensees were to utilize a greater number of repeaters limited to 400 watts/MHz (the same limit imposed on WCS, MDS

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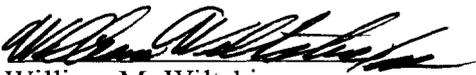
and ITFS transmitters). As a general rule, we have determined that WCS licensees will suffer far less brute force overload interference from DARS terrestrial repeaters limited to 400 watts/MHz, even though more of these lower power repeaters will be required to provide equivalent coverage. We had understood from the January 11th meeting that the DARS community would be providing us with a listing of all of the high power terrestrial repeaters they have constructed or plan to construct, which would have enabled us to determine whether those repeaters will be sufficiently remote that our general preference for lower power repeaters could be tempered. However, the DARS community has not yet provided the information necessary to make a determination.¹ Thus, we are unable at this time to determine the specific impact on WCS of the planned deployment of higher power DARS repeaters. Under the circumstances, we must continue to urge the Commission to restrict to 400 watts/MHz all terrestrial DARS repeaters (even those constructed by the DARS licensees during the pendency of this proceeding, which construction was clearly at their own risk).

We note that late on January 23, 2001, the DARS community provided us and the Commission with a proposed rule for governing deployment of terrestrial repeaters. We have not had an opportunity to fully consider that proposal (and will reserve final judgment until we have had such an opportunity). However, we do note that the DARS community has apparently retreated from its assertion on January 11th that the number of high power terrestrial repeaters is not likely to expand materially from the 255 currently planned. Indeed, although the rule is somewhat ambiguous, we conservatively read it to permit the two DARS licensees to install over 1,000 high power terrestrial repeaters without any restrictions designed to protect WCS receivers from brute force overload. Although such proposed rule is unacceptable to the WCS community as drafted, we remain willing to consider an approach that exempts a limited number of specifically identified high power DARS repeaters from the 400 watts/MHz limit. While we intend to provide a more detailed analysis of the DARS-proposed rule shortly, in the interim we urge the DARS community to provide full disclosure of their terrestrial repeater plans as expeditiously as possible so that we and the Commission can conduct a complete analysis of the potential for interference to WCS.

Should you have any questions regarding this submission, please contact Paul J. Sinderbrand, counsel for WCA.

¹ Sirius has provided information for three markets, San Francisco, Boston and Atlanta (for which XM Radio had previously provided information), as well as information on the Houston and New York markets. However, that limited disclosure is a far cry from the full disclosure the WCS community and the Commission require to conduct a detailed analysis.

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Attachment

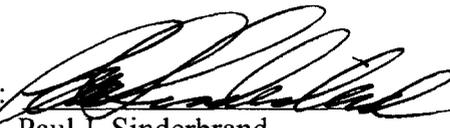
cc: Ron Repasi, FCC

Respectfully submitted,

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WIRELESS CABLE CENSUS SHOWS DROP IN VIDEO SUBS

While wireless cable is in transition, from analog and digital video to broadband high-speed access to the Internet, our 1999 census of video subs shows a total of 788,521 in 224 systems, down 176,000 from 1998.

1999 WIRELESS CABLE CENSUS

Operator	Market	Subs	Operator	Market	Subs
Amer. Rural TV	La Junta, CO	n/a	Nucentrix	Lubbock, TX	2,844
BellSouth	Atlanta, GA	18,000	Nucentrix	Lykens/Bucyrus, OH	743
BellSouth	Daytona Beach, FL	2,000	Nucentrix	Manhattan, KS	1,750
BellSouth	Ft. Myers, FL	9,100	Nucentrix	Marion, KS	856
BellSouth	Lakeland, FL	9,300	Nucentrix	McAlester, OK	571
BellSouth	Louisville, KY	3,300	Nucentrix	McLeansboro, IL	1,155
BellSouth	New Orleans, LA	9,000	Nucentrix	Medicine Lodge, KS	1,161
BellSouth	Orlando, FL	1,500	Nucentrix	Midland, TX	5,249
Bolin Ent.	Casey, IL	450	Nucentrix	Monroe City, MO	1,263
Cardiff Comm.	Yuma, AZ	1,300	Nucentrix	Montgomery City, MO	699
Cent. Dak. TV	Carrington, ND	1,284	Nucentrix	Mt. Pleasant, TX	1,936
Cent. Dak. TV	Jamestown, ND	n/a	Nucentrix	Muskogee, OK	809
Cent. MN Cable	Alexandria, MN	850	Nucentrix	O'Donnell, TX	487
CFW Cable	Charlottesville, VA	6,500	Nucentrix	Olney, IL	1,439
CFW Cable	Harrisonburg, VA	3,600	Nucentrix	Olton, TX	623
CFW Cable	Richmond, VA	840	Nucentrix	Paragould, AR	2,276
Consol. Tel.	Dickinson/Lefor, ND	584	Nucentrix	Paris, TX	2,712
Consol. Tel.	Killdeer, ND	266	Nucentrix	Peoria, IL	1,506
Consol. Tel.	Scranton, ND	374	Nucentrix	Shaw/Chanute, KS	4,002
Eaglevision	Kirksville, MO	1,150	Nucentrix	Sherman/Denison, TX	7,773
Evertex	Everly, IA	2,500	Nucentrix	Sikeston, MO	2,442
Ft. Wayne Telsat	Ft. Wayne, IN	3,000	Nucentrix	Sterling, KS	617
GTE Media Vent.	Honolulu, HI	10,000	Nucentrix	Stillwater, OK	5,316
Iowa Rural TV	Batavia, IA	1,100	Nucentrix	Story City/Radcliffe, IA	1,478
Microcom, Inc.	Saginaw/Midland, MI	3,400	Nucentrix	Strawn/Ranger, TX	1,250
MT Wrls. TV	Missoula, MT	4,000	Nucentrix	Taylorville, IL	1,429
Multimedia Dev.	Albuquerque, NM	1,000	Nucentrix	Temple/Killeen, TX	9,415
Multimedia Dev.	Carlsbad, NM	750	Nucentrix	Texarkana, TX	1,112
Multimedia Dev.	Clovis, NM	1,800	Nucentrix	Tulsa, OK	8,706
Multimedia Dev.	Las Cruces, NM	4,000	Nucentrix	Uvalde/Sabinal, TX	1,343
Multimedia Dev.	Santa Fe, NM	1,400	Nucentrix	Vandalia, IL	1,524
New Eng. Wrls.	Jericho, VT	1,008	Nucentrix	Waco, TX	4,938
NE TV Coop	Watertown, SD	2,100	Nucentrix	Walnut Grove/Macomb, IL	1,730
No. Rural Cable	Bath, SD	1,267	Nucentrix	Watonga, OK	867
Northwest Comm.	Bowbells, ND	598	Nucentrix	Weatherford, OK	734
Northwest Comm.	Epping, ND	412	Nucentrix	Wichita Falls, TX	4,183
Nucentrix	Abilene, TX	2,806	Nucentrix	Woodward, OK	2,263
Nucentrix	Ada, OK	2,819	OH Valley Wrls.	Evansville, IN	5,070
Nucentrix	Ardmore, OK	3,332	Orionvision	Atlantic City, NJ	3,800
Nucentrix	Austin, TX	8,572	Quadravision	Carson City, NV	1,000
Nucentrix	Beloit/Tipton, KS	551	Quadravision	Reno, NV	6,000
Nucentrix	Champaign, IL	2,249	Sanborn Tel.	Mitchell, SD	525
Nucentrix	Charlotte, TX	1,468	Sarasota Skylynx	Sarasota/Bradenton, FL	500
Nucentrix	Corpus Christi, TX	9,105	Sioux Vly. Wrls.	Colman, SD	2,500
Nucentrix	Corsicana/Athens, TX	1,996	Sioux Vly. Wrls.	Sioux Falls, SD	2,500
Nucentrix	Enid, OK	3,687	Sioux Vly. Wrls.	Yankton, SD	1,000
Nucentrix	Flfurs./Kngsvll., TX	1,427	Skycable	Madison, WI	6,000
Nucentrix	Freeport/Harper, IL	962	Southwest Tel.	Bartley, NE	493
Nucentrix	Gainesville, TX	916	Southwest Tel.	North Platte, NE	606
Nucentrix	George West, TX	2,092	Southwest Tel.	Oshkosh, NE	398
Nucentrix	Grnville., PA/Wick, OH	555	Southwest Tel.	Wauneta, NE	446
Nucentrix	Hamilton, TX	2,508	Southwest Tel.	Wray, CO	348
Nucentrix	Jcknville./Bluffs, IL	485	Sprint	Anchorage, AK	900
Nucentrix	Kerrville/Ingram, TX	449	Sprint	Bend, OR	4,230
Nucentrix	Laredo, TX	2,992	Sprint	Billings, MT	3,510
Nucentrix	Lawton, OK	5,504	Sprint	Boise, ID	1,900
Nucentrix	Lindsay, OK	2,458	Sprint	Chicago, IL	4,314

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1999 WIRELESS CABLE CENSUS (continued from P. 4)

Operator	Market	Subs	Operator	Market	Subs
Sprint	Cincinnati, OH	2,700	WorldCom	Albany, GA	1,496
Sprint	Colorado Springs, CO	12,150	WorldCom	Albany, NY	7,700
Sprint	Columbus, OH	1,440	WorldCom	Alexandria, LA	2,178
Sprint	Denver, CO	17,000	WorldCom	Bakersfield, CA	8,545
Sprint	Detroit, MI	1,840	WorldCom	Brenham, TX	1,574
Sprint	Fargo, ND	2,700	WorldCom	Bucks, AL	850
Sprint	Fort Collins, CO	1,890	WorldCom	Bunkie, LA	2,100
Sprint	Fort Pierce, FL	12,000	WorldCom	Bryan, TX	3,541
Sprint	Fresno, CA	n/a	WorldCom	Bude, MS	3,802
Sprint	Grand Island/Geneva, NE	2,610	WorldCom	Cameron, MO	2,830
Sprint	Greeley, CO	1,530	WorldCom	Charing, GA	1,222
Sprint	Green Bay, WI	3,420	WorldCom	Cleveland, OH	21,000
Sprint	Houston, TX	11,820	WorldCom	Dallas/Fort Worth, TX	787
Sprint	Kennewick, WA	1,500	WorldCom	Dayton, OH	10,000
Sprint	Knoxville, TN	2,800	WorldCom	Freeport, TX	39
Sprint	Lansing, MI	900	WorldCom	Gadsden, AL	129
Sprint	Las Vegas, NV	5,490	WorldCom	Gainesville, FL	6,294
Sprint	Las Vegas, NV	1,04	WorldCom	Gulf Coast, MS	4,069
Sprint	Lincoln, NE	n/a	WorldCom	Hattiesburg, MS	166
Sprint	Little Rock, AR	n/a	WorldCom	Houma, LA	871
Sprint	Maui, HI	n/a	WorldCom	Huntsville, AL	3,848
Sprint	Medford, OR	4,050	WorldCom	Jackson, MS	12,821
Sprint	Melbourne, FL	16,500	WorldCom	Jeffersonville, GA	1,910
Sprint	Merced, CA	n/a	WorldCom	Lafayette, LA	2,500
Sprint	Michiana, IN	n/a	WorldCom	Lake Charles, LA	3,671
Sprint	Monterey, CA	2,340	WorldCom	Lawrenceberg, TN	1,030
Sprint	Oklahoma City, OK	12,960	WorldCom	Los Angeles, CA	27,000
Sprint	Phoenix, AZ	2,325	WorldCom	Meridian, MS	2,420
Sprint	Portland, OR	450	WorldCom	Milano, TX	1,582
Sprint	Rapid City, SD	4,230	WorldCom	Minneapolis, MN	4,292
Sprint	Redding, CA	720	WorldCom	Monroe, LA	3,091
Sprint	Sacramento, CA	17,000	WorldCom	New York, NY	n/a
Sprint	St. Louis, MO	1,645	WorldCom	Norfolk/VA Beach, VA	1,900
Sprint	Sheridan, WY	585	WorldCom	Nortonville, KS	1,876
Sprint	Spokane, WA	5,500	WorldCom	Oxford, MS	3,425
Sprint	Tampa, FL	9,150	WorldCom	Panama City, FL	2,364
Sprint	Tucson, AZ	25,406	WorldCom	Pensacola, FL	1,990
Sprint	Visalia, CA	n/a	WorldCom	Philadelphia, PA	n/a
Sprint	Wichita, KS	5,400	WorldCom	Riverside, CA	41,000
Sprint	Windom, MN	1,080	WorldCom	Rochester, NY	1,800
Sprint	Yakima, WA	7,900	WorldCom	San Antonio, TX	13,046
Sprint	Youngstown, OH	3,330	WorldCom	Starkville, MS	1,026
Sprint	Yuba City, CA	2,340	WorldCom	Sweet Springs, MO	2,182
Sterling Wrls.	San Angelo, TX	2,500	WorldCom	Tallahassee, FL	350
Superior Wrls.	Beaumont, TX	300	WorldCom	Tullahoma, TN	2,828
Tel-Com Wrls.	La Crosse, WI	1,200	WorldCom	Tuscaloosa, AL	450
Tel-Com Wrls.	San Jose, Costa Rica	4,500	WorldCom	Tupelo, MS	2,838
Teton Wrls. TV	Idaho Falls, ID	9,500	WorldCom	Washington, DC	700
Teton Wrls. TV	Missoula, MT	2,800	WorldCom	Wharton, TX	1,200
Teton Wrls. TV	Twin Falls, ID	7,400	Total		788,521
W.A.T.C.H. TV	Lima, OH	10,300			
WHTV Bcstg.	San Juan, PR	7,100			

n/a = not available. © 2000 Paul Kagan Associates, Inc. All rights reserved.

USOL HOLDINGS SIGNS 10-YEAR PACT WITH OAKWOOD APARTMENTS OF AUSTIN

U.S. Online recently announced a 10-year pact with Oakwood Apartments of Austin to provide cable to a 308-unit complex; and the addition of Internet service to Highland Crest, a 280-unit complex in Dallas owned by TVO Highland.

The company Nov. 29 announced a 10-year right-of-entry pact for a 583-unit property in Forth Worth. USOL now passes 46,000 units.