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February 23, 2001

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Via Hand Delivery

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W., The Portals
Washington, D.C. 20554

ORIGINAL

**Re: ET Docket No. 98-206/RM-9147; RM-9245; Applications of Broadwave
USA et al., PDC Broadband Corporation, and Satellite Receivers, Ltd.,
to provide a fixed service in the 12.2-12.7 GHz Band**

Dear Ms. Salas:

On February 20, 2001, Sophia Collier and Anointette Bush of Northpoint Technology, Ltd and Peter Huber of this firm met with Peter Tenhula, Legal Advisor to Chairman Powell. The purpose of the meeting was to discuss the requirements of Section 1012 of H.R. 5548, enacted by H.R. 4942, the District of Columbia Appropriations act of 2001, which requires the Commission to provide for an independent technical demonstration of any terrestrial service that is proposed to share spectrum with Direct Broadcast Satellite Service. Northpoint noted to Mr. Tenhula that some parties have apparently requested confidential treatment of the information that they have submitted to the MITRE Corporation, the independent organization conducting the tests. Northpoint explained that such confidentiality was inconsistent with the requirement of Section 1012 that notice and comment be permitted on each test demonstration. Such notice and comment is useless if information concerning the test demonstration is kept confidential.

At the meeting, Northpoint also noted that demonstration has already exceeded the statutory deadline and suggested that the Commission avoid further delay. Finally, Northpoint urged the Commission to act promptly on its pending waivers applications and license Northpoint's Broadwave affiliates to provide those services using the breakthrough technology that Northpoint invented, patented, tested, and painstakingly validated in proceedings over the past seven years.

Please contact me if you have any questions.

Yours sincerely,



Michael K. Kellogg

cc: Bruce Franca
Rebecca Dorch

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