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April 3, 2001

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EX PARTE

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Notification of Ex Parte Communication in ET Docket No. 98-206/RM-9147; RM-9245; DA 99-494; and 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,

This letter is to advise you, in accordance with 47 C.F.R. § 1.1206, that on Monday, April 2, 2001, Sophia Collier and Antoinette Cook Bush of Northpoint Technology, Ltd., spoke by telephone first with Rebecca Dorch, Deputy Chief of the Office of Engineering and Technology, and then with Peter Tenhula, Legal Advisor to Chairman Powell, to express Northpoint's concern that PDC Broadband Corporation ("Pegasus") had made a confidential submission to the MITRE Corporation ("MITRE") in connection with the independent technical demonstrations required by Section 1012 of H.R. 5548 (enacted on December 21, 2000, as part of Pub. L. 106-553).

Northpoint explained that a confidential submission is contrary to both Section 1012 and Commission's policy regarding communications with MITRE. Section 1012 requires 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. In a letter to interested parties dated March 23, 2001, Rebecca Dorch reiterated the Commission's policy that copies of communications (or memoranda describing oral communications) with MITRE relating to the independent technical demonstrations should be served on all other interested parties and submitted to the Commission's Secretary for inclusion in ET Docket No. 98-206. Pegasus's confidential

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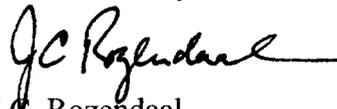
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submission is a flagrant and deliberate violation of Commission policy that should not be tolerated.

In view of the statutory mandate for notice and comment, the Commission's own *ex parte* rules, and Pegasus's failure to comply with the terms of the March 23 letter, Northpoint urged that the Commission refuse to consider any confidential submission to MITRE by Pegasus.

Fourteen copies of this letter are enclosed – two for inclusion in each of the above-referenced files. Please contact me if you have any questions.

Yours sincerely,



J.C. Rozendaal

cc: Ms. Rebecca Dorch
Mr. Peter A. Tenhula

CERTIFICATE OF SERVICE

I, Shannon Thrash, hereby certify that on this 3rd day of April, 2001, copies of the foregoing were served by first class United States mail, postage prepaid, on the following:

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