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April 23, 2001

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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Rulemakings 9147 and 9245 (ET Docket No. 98-206)

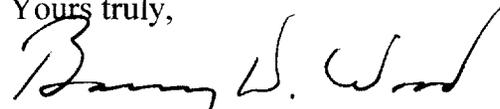
Dear Mrs. Salas:

William R. Varecha, applicant for an experimental broadcast license (File No. 179-EX-PL-2000), by counsel, hereby submits two copies of the attached written communication for association with each of the above-referenced proceedings.

This information is supplied pursuant to the Commission's Rules relating to ex parte communications in "permit-but-disclose" proceedings. Since identical copies of the written communication were mailed to multiple members of Congress, we are supplying the text of the letter and a list of the addressees.

Please contact Stuart W. Nolan, Jr. of this firm or the undersigned if you have any questions regarding this matter.

Yours truly,



Barry D. Wood  
Counsel for  
William R. Varecha

kkb  
enc.

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List A B C D E

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An NBC Affiliate  
Eagle III Broadcasting LLC

**Bill Varecha**  
CEO



April 20, 2001

The Honorable  
United States  
Washington, D.C. 20510

**Re: SKY-TV Proposal for Local-to-Local TV Service**

Dear:

Your constituents in smaller communities have no doubt encountered problems receiving their local television stations once they sign up for a satellite television service. I am writing to help with a solution to this problem.

As you know, Congress recently empowered Direct Broadcast Satellite operators such as DirecTV and EchoStar to re-transmit local television signals. In return for this privilege, the DBS operators promised to carry the signals of all local television stations. However, now that certain DBS operators have enjoyed the boom in DBS subscriptions that resulted from their ability to re-transmit local signals in large markets, they want to be relieved of the requirement to serve smaller markets and rural residents. They now complain that it would be too costly to provide local-into-local service in all but the top 50 television markets.

The lack of local service to homes with DBS will jeopardize the ability of small market stations to reach the populations they are licensed to serve. Without access to local viewers, such stations will not be able to provide local news and other services that are important for your rural constituents.

As you know, Congress recently recognized the importance of this issue. In an effort to keep rural Americans from becoming second-class citizens in terms of television service, Congress made \$1.25 billion available to underwrite loans to support the retransmission of local broadcast signals in areas neglected by DBS operators.

A "SKY-TV" service would employ technology owned by SkyTower (a subsidiary of AeroVironment, Inc.) to let DBS subscribers who cannot otherwise receive local broadcast signals gain access to such service. The FCC is considering my proposal in an application for Experimental License, File No.179-EX-PL-2000.

**SKY-TV Proposal for Local-into-Local TV Service**

April 20, 2001

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SkyTower technology was developed in conjunction with NASA. A SkyTower aircraft would be powered by solar energy. It can carry the necessary broadcast equipment and stay aloft over a given region at high altitudes for six months or longer. It is well suited to provide multichannel video using the 12 GHz band without objectionable interference to DBS providers. This is because satellite signals are broadcast from the southern sky, and the subscribers' dishes are pointed in that direction. In contrast, the SKY-TV aircraft would hover in the stratosphere to the north of the viewers to be reached, so its signal would come from the north. Each market served by SKY-TV would require only a "footprint" of between 50 and 150 miles, so it would be easy to carry the local signals for each market.

Despite the obvious advantages of SKY-TV, I am concerned that the FCC's consideration of this plan will be compromised by what the FCC does in Rulemakings 9147 and 9245 (ET Docket No. 98-206). Spectrum allocations sought by Northpoint and Skybridge there may preclude the development of promising experimental technology such as my SKY-TV proposal. My efforts to demonstrate the viability of the SKY-TV service may be blocked by the unavailability of spectrum should Northpoint, Skybridge and others secure the spectrum they seek at the expense of technology pioneers such as myself.

Also, the FCC appears likely to auction all frequencies that might become available after its rulemaking concludes. This will likely preclude SKY-TV and other technology pioneers from making their technologies available to the public on a broader scale after the experimental deployment proves successful.

Accordingly, I need your help to keep the SKY-TV plan from being knocked out of contention by the FCC's well-meaning actions the ongoing rulemaking proceeding. In particular, any decision to auction all spectrum allocated, rather than preserve a pioneer's preference for the developers of new technology, would effectively place all of this spectrum in the hands of the mega-corporations as opposed to those who are focused on serving the needs of the residents of rural areas and small communities.

More detail on this issue is provided in the enclosed set of comments I filed in the FCC rulemaking proceeding. Thank you for your consideration of this important matter.

Sincerely,

Bill Varecha

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