

ORIGINAL

EX PARTE OR LATE FILED



1299 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20004-2402
PHONE 202.783.0800
FAX 202.383.6610
A LIMITED LIABILITY PARTNERSHIP

JAMES W. OLSON
PARTNER
202.383.7246
olsonj@howrey.com

RECEIVED

MAY - 4 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

May 4, 2001

VIA HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

Re: Ex Parte Presentation - ET Docket No. 98-206; RM-9147;
RM-9245

Dear Ms. Salas:

On May 3, 2001, Kirk Kirkpatrick, Chief Executive Officer of MDS America, Incorporated and the undersigned met with Peter Tenhula, Senior Legal Advisor to Chairman Powell to discuss issues arising from the Further Notice of Proposed Rule Making in ET Docket 98-206.

The MDS America representatives described the innovative technology developed by MDS International, which is utilized in over a score of locations around the world, and for which MDS America is the North American licensee. The MDS International technology allows the delivery of high-speed wireless broadband video and data service through terrestrial transmission at frequencies including the 12.2 to 12.7 GHz band. The MDS representatives explained that through the development and continued refinement of mitigation techniques over the past 15 years, MDS has been able to develop systems to use DBS frequencies without causing harmful interference to such satellite services operating in the same geographic areas.

The MDS America representatives also urged that the Commission adopt service rules for MVDDS that do not foreclose any applicable technology and advocated the auction of MVDDS spectrum as the best method to ensure that the spectrum is put to its most efficient uses and that taxpayer interests are advanced.

An original and one copy of this letter are enclosed for inclusion in the above-referenced file. Please contact me if you have any questions.

No. of Copies rec'd 01
List A B C D E



Magalie Roman Salas
May 4, 2001
Page 2

Respectfully submitted,

A handwritten signature in black ink, appearing to be "JW Olson".

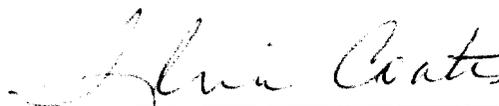
James W. Olson
Attorney for MDS America, Incorporated

cc: Peter Tenhula

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of May 2001 a true and correct copy of the foregoing was served via hand delivery upon the following:

Peter A. Tenhula
Senior Legal Advisor
Office of Chairman Powell
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554



Sylvia Coates