

ORIGINAL

EX PARTE OR LATE FILED

KELLOGG, HUBER, HANSEN, TODD & EVANS, P.L.L.C.

MICHAEL K. KELLOGG
PETER W. HUBER
MARK C. HANSEN
K. CHRIS TODD
MARK L. EVANS
STEVEN F. BENZ
NEIL M. GORSUCH
GEOFFREY M. KLINEBERG
REID M. FIGEL

SUMNER SQUARE
1615 M STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20036-3209

(202) 326-7900

FACSIMILE:
(202) 326-7999

HENK BRANDS
SEAN A. LEV
EVAN T. LEO
ANTONIA M. APPS
MICHAEL J. GUZMAN
AARON M. PANNER
DAVID E. ROSS
SILVIJA A. STRIKIS
RICHARD H. STERN, OF COUNSEL

May 9, 2001

RECEIVED

VIA HAND DELIVERY

MAY - 9 2001

EX PARTE

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Re: Notification of Ex Parte Communication in 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; Requests of Broadwave USA et al. (DA 99-494), PDC Broadband Corporation (DA 00-1841), and Satellite Receivers, Ltd. (DA 00-2134) for Waiver of Part 101 Rules.

Dear Ms. Salas:

On May 8, 2001, Sophia Collier, Chula Reynolds, and Antoinette Cook Bush of Northpoint Technology, Ltd. ("Northpoint"), met with the following Commission officials: D'wana Terry, Ramona Melson, and Jamison Prime of the Wireless Telecommunications Bureau; Tom Tycz of the International Bureau; Julius Knapp of the Office of Engineering and Technology; and David Horowitz and Daniel Harrold of the Office of the General Counsel

The purpose of the meeting was to discuss the report on spectrum sharing in the 12.2-12.7 GHz frequency band recently submitted to the Commission by The MITRE Corporation ("MITRE"). Northpoint urged the Commission to grant the pending license applications of Northpoint's Broadwave USA affiliates without further delay, in view of MITRE's confirmation that Northpoint's technology can operate in the 12.2-12.7 GHz band without causing harmful interference to DBS operations. Two items were distributed at the meeting: (1) a packet of materials that has already been placed in the public record as an attachment to Northpoint's ex parte letter to you dated and filed on May 3, 2001; and (2) a one-page handout entitled "The Bottom Line," a copy of which is attached hereto.

No. of Copies rec'd 07/18
List A B C D E

Ms. Magalie Roman Salas
May 9, 2001
Page 2

Eighteen 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,

A handwritten signature in black ink that reads "JC Rozendaal". The signature is written in a cursive style with a long horizontal flourish extending to the right.

J. C. Rozendaal

cc: Ms. D'wana Terry
Ms. Ramona Melson
Mr. Jamison Prime
Mr. Tom Tycz
Mr. Julius Knapp
Mr. David Horowitz
Mr. Daniel Harrold

Enclosure

THE BOTTOM LINE

“MITRE believes that with implementation of the licensing process described in Section 6.3 and the other policy recommendations outlined above, spectrum sharing between DBS and MVDDS¹ services in the 12.2–12.7 GHz band is feasible.”

Conclusion of MITRE Executive Summary
Analysis of Potential MVDDS Interference to DBS in the 12.2–12.7 GHz Band, MITRE Corporation 4/23/01 (page xxi)

¹ MVDDS is the acronym for Multichannel Video Distribution and Data Service, a new terrestrial service proposed by the FCC in November of 2000. Northpoint Technology was the only company to provide equipment and technology to MITRE for evaluation in order to offer the new service.

CERTIFICATE OF SERVICE

I, Shannon Thrash, hereby certify that on this 9th day of May, 2001, copies of the foregoing were served by hand delivery* and/or first class United States mail, postage prepaid, on the following:

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

D`wana Terry
Ramona Melson
Jamison Prime
Wireless Telecommunications Bureau*
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Thomas Tycz*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Julius Knapp*
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

David Horowitz
Daniel Harrold
Office of the General Counsel*
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Antoinette Cook Bush, Esq.
Northpoint Technology, Ltd.
400 North Capitol Street, N.W.
Suite 368
Washington, D.C. 20001

Nathaniel J. Hardy, Esq.
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave, N.W., Ste. 200
Washington, D.C. 20036-3101

David C. Oxenford, Esq.
Shaw Pittman
2300 N. Street, N.W.
Washington, D.C. 20037

James H. Barker, III, Esq.
Latham & Watkins
1001 Pennsylvania Ave., N.W.
Suite 1300
Washington, D.C. 20004-2505

Pantelis Michalopoulos, Esq.
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036


Shannon Thrash
Legal Assistant