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June 14, 2001

RECEIVED

JUN 14 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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** ✓

Dear Ms. Salas:

On June 13, 2001, Kirk Kirkpatrick, President and CEO of MDS America, Inc. and the undersigned met with Kathleen Ham, D'Wana Terry, Jamison Prime, Thomas Stanley, William Lane, Ramona Melson and Michael Pollak of the Wireless Telecommunications Bureau, to discuss issues arising from the Further Notice of Proposed Rulemaking in ET Docket No. 98-206.

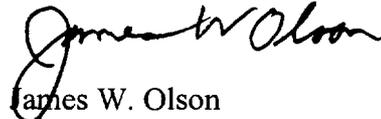
The MDS representatives described the innovative technology developed by MDS International and utilized in various locations around the world to deliver high-speed broadband video and data service by terrestrial means on several frequency bands, including 12.2 to 12.7 GHz., without causing harmful interference. The MDS representatives discussed, in particular, the fact that MDS systems, such as those near Lyon, France and being tested near Cork, Ireland operate co-frequency (i.e., have overlapping signals) with DBS satellites in their areas and are not simply practicing band segmentation, refuting Northpoint Technology's letter of June 7, 2001 in this proceeding.

The MDS representatives also urged that the Commission follow its usual course of action by setting service rules for the new MVDDS service, accepting applications, and holding auctions if there is mutual exclusivity. The MDS representatives discussed the legal and economic reasons why auctions are the only appropriate course for the Commission to follow where more than one competitor wishes to offer a service. In that fashion the market will determine what technology is superior, taxpayers will reap benefits and consumer welfare will be most fully advanced. The alternative is to allow one monopoly licensee to accrue economic rents that should accrue to the public.

An original and one copy of this notice are provided to your office as required in Section 1.1206 of the Commission's rules. Please contact me if you have any questions.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "James W. Olson". The signature is fluid and cursive, with the first letter of each name being significantly larger and more stylized.

James W. Olson
Attorney for MDS America, Incorporated

cc: Kathleen Ham
D'Wana Terry
Jamison Prime
Thomas Stanley
William Lane
Ramona Melson
Michael Pollak

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June 2001 a true and correct copy of the foregoing was served via hand delivery upon the following:

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

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Jamison Prime
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Sylvia Coates