

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

July 26, 2001

RECEIVED

JUL 26 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 July 25, 2001, Kirk Kirkpatrick, CEO of MDS America, Incorporated and the undersigned met with Thomas J. Sugrue, Chief of the Wireless Telecommunications Bureau and the following members of the staff of the Wireless Telecommunications Bureau: Thomas Stanley, D'Wana Terry, Jennifer Burton, Michael Pollak and Jamison Prime.

The purpose of the meeting was to discuss the innovative technology developed by MDS International which is deployed in various locations around the world. The MDS America representatives described the manner in which MDS installations have shared spectrum with BSS(DBS)operators in locations such as MDS International's demonstration site near Lyon, France and during the extensive tests conducted by a prospective customer in Ireland. In addition, the MDS America representatives indicated that a set of tests had been conducted for MDS America in Florida from July 5 to July 20 and that the independent engineering firm that conducted the tests was in the process of completing a report regarding the tests for submission to the Commission.

The MDS representatives also discussed their view that the appropriate course of action when more than one company wishes to offer a service is for the Commission to hold auctions and allow the market to determine what technology is superior and how it shall be developed.

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.

No. of Copies rec'd  
DATE

011

Magalie Roman Salas  
July 26, 2001  
Page 2

Respectfully submitted,



James W. Olson  
Attorney for MDS America, Incorporated

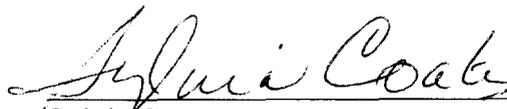
cc: Thomas J. Sugrue  
Thomas Stanley  
D'Wana Terry  
Jamison Prime  
Michael Pollak  
Jennifer Burton

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of July 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 12<sup>th</sup> Street, S.W.  
Room TW-B204  
Washington, D.C. 20554

Thomas J. Sugrue  
Thomas Stanley  
D'Wana Terry  
Jamison Prime  
Michael Pollak  
Jennifer Burton  
Wireless Telecommunications Bureau  
Federal Communication Commission  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

  
Sylvia Coates