EX PARTE OR LATE FILED

KELLOGG, HUBER, HANSEN, TODD & EVANS, P.L.L.C.
SUMNER SQUARE
1615 M STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20036-3209

(202) 326-7900
FACSIMILE:
(202) 326-7999

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
HENK BRANDS

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

August 29, 2001

VIA HAND DELIVERY

RECEIVED

EX PARTE

AUG 29 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Re: 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:

The attached letter was delivered by hand today to Jonathan Levy with a copy to David Sappington in the Office of Plans and Policy. Eighteen copies of this letter and its attachments are enclosed – two for inclusion in each of the above-referenced files.

Please contact me if you have any questions.

Yours sincerely,

J. C. Rozendaal

Counsel for Northpoint Technology, Ltd.

enclosures

No. of Copies rec'd 0+18

BroadwaveUSA™
Creating Cable Competition with Northpoint Technology

One Harbour Place
Suite 475
Portsmouth, NH 03801
Telephone: (603) 431-5511
Fax: (603) 433-9237

August 28, 2001

Mr. Jonathan Levy
Federal Communications Commission
Office of Plans and Policy
445 12th Street S.W.
Washington, DC 20554

Dear Jon:

I was pleased to reconnect with you and bring you up to date on Northpoint's progress over the last few years. As a follow up to our discussion, I wanted to send you the attached table to show the spectrum covered by the satellite applications in our proceeding. The other applicants have each applied for spectrum allocations between 2,000-6,200 MHz apiece and all seek nationwide licenses.

As I mentioned, we applied on the same day as these other companies to use only 500 MHz within the same spectrum band and offer the same or similar services as these companies. As you know, the Commission intends to grant the other applications, so instead of having a "single nationwide license" out of this proceeding there will actually be eight nationwide satellite licenses issued in addition to the terrestrial licenses our group seeks. Our group actually is comprised of 68 local affiliates with a 69th application under the name Broadwave Network, on behalf of Northpoint Technology, Ltd. itself.

You might note that as non-geostationary systems the other applicants in our proceeding are "global systems," however, it is quite interesting to observe that it is routine for the Commission to grant numerous nationwide licenses to satellite operators for domestic geostationary systems as well.

You may have followed the recent Ka-band proceeding. Here 11 applicants were authorized to use 2,000 MHz each on a nationwide basis (see attached News release dated August 2, 2001). Hughes, who has two NGSO applications totaling 5,800 MHz in our proceeding, was granted four new licenses in the Ka-band for the right to use an additional 6,000 MHz on a nationwide basis. Hughes' new Ka-band slots are in addition to the eight other Ka-band slots Hughes already holds. Hughes' affiliated company, PanAmSat, received six slots in this latest round, supplementing the seven slots they already hold in the Ka-band. As you know, both companies also hold numerous other licenses.

When one reviews statistics like these it probably becomes clear why Northpoint strongly believes its applications should be granted in a routine manner without any further delay. We strongly believe there is no basis to treat us differently and less favorably than other applicants, particularly when one considers it was Northpoint's efforts and patented innovations that made the Commission aware of the terrestrial resource in the first place.

Again, it was a pleasure to see you. If you have any questions about the attached, please do not hesitate to call.

Sincerely yours,

Sophia Collier
President

Attachments

cc: David Sappington

A

Summary of Requested Spectrum Allocations for Applicants That Filed at the Same Time as Northpoint

System	Bands Sought for Operation	Total Spectrum Requested*
Teledesic[1]	10.7 - 12.7, 12.75 - 13.25, 13.75 - 14.5, 17.3 - 17.8	3.75 GHz
HughesLink[2]	10.7 - 12.75, 12.75 - 13.25, 13.75 - 14.5, 17.3 - 17.8	3.8 GHz
HughesNet[3]	10.7 - 12.75, 12.75 - 13.25, 13.75 - 14.5, 17.3 - 17.8	2.0 GHz
Virgo[4]	3.7 - 4.2, 5.925 - 6.425, 10.7 - 12.7, 12.8 - 13.25, 13.75 - 14.5, 17.3 - 17.8	4.0 GHz
Skybridge[5]	10.7 - 12.75, 12.85 - 13.25, 13.75 - 14.5, 17.3 - 17.8	3.65 GHz
Denali[6]	11.7 - 12.7, 13.75 - 14.5, 37.5 - 38.5, 40.5 - 41.5,47.5 - 50.2, 66 - 67, 71 - 72	6.2 GHz
Boeing[7]	10.7 - 12.7, 12.75 - 13.25, 13.75 - 14.5, 17.3 - 17.8	2.96 GHz
	Total:	26.36 GHz

* May be less than sum of bands in column 2. In this case, only a portion of the band is required for operation.

[1] "Application for satellite space and earth station authorization," Teledesic LLC, SAT-LOA-19990108-00005, Jan 8, 1999.

[2] "Application for satellite space and earth station authorization," Hughes Communications, Inc., SAT-LOA-19990108-00002, Jan 8, 1999.

[3] "Application for satellite space and earth station authorization," Hughes Communications, Inc., SAT-LOA-19990108-00003, Jan 8, 1999.

[4] "Application of Virtual Geosatellite, LLC for Authority to Launch and Operate a Global System of Non-Geostationary Satellites in Sub-Geosynchronous Elliptical Orbits," SAT-LOA-19990108-00007

[5] "Amendment to Application of SkyBridge L.L.C. for authority to Launch and Operate the Skybridge Satellite System File Nos. 48-SAT-P/LA-97, 89-SAT-AMEND-97, and 130-SAT-AMEND-98," SkyBridge L.L.C., Jan 8, 1999.

[6] "Application of Denali Telecom, LLC, Consolidated System Proposal for Authority to Launch and Operate Thirteen Satellites in the Pentriad System," 160-SAT-P/LA-97/13, September 26, 1997, and "Clarification of Denali Telecom, LLC Application," SAT-AMD-19990108-00001, January 8, 1999.

[7] "Application for Authority to Launch and Operate A Non-Geostationary Medium Earth Orbit Satellite System in the Fixed Satellite Service," SAT-LOA-19990108-00006, The Boeing Company, January 8, 1999.

B

NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News media Information 202 / 418-0500
TTY 202 / 418-2555
Fax-On-Demand 202 / 418-2830
Internet: http://www.fcc.gov
ftp.fcc.gov

FOR IMMEDIATE RELEASE
August 2, 2001

News Media Contact:
David Fiske at (202) 418-0513

FCC INTERNATIONAL BUREAU AUTHORIZES SECOND-ROUND KA-BAND SATELLITE SYSTEMS

New Broadband Service Options for Americans

Washington, D.C. – Today, the International Bureau authorized a variety of new and established satellite operators to provide Ka-band service in the United States. These actions, which are part of the "Second Round" of Ka-band applications, authorize 11 companies to provide fixed-satellite service from geostationary satellite orbit (GSO) satellites at a total of 34 orbit locations. These systems have the potential to provide a wide variety of sophisticated telecommunications services, including broadband, interactive, direct-to-home and digital services to all parts of the country, from cities and suburbs to rural and isolated areas.

"These advanced satellite systems will enhance competition among service providers in the marketplace and provide new service options to the American public," remarked Donald Abelson, Chief of the International Bureau.

Today's space station authorizations include several new systems as well as the expansion of several previously licensed systems. Each of the GSO satellites will be authorized to operate in specific segments of spectrum in the Ka-band and assigned to specific orbital locations.

The attached Fact Sheet provides detailed information. For further information, contact Fern Jarmulnek at (202) 418-0751 or Jennifer Gilsenan at (202) 418-0757 in the International Bureau.

- FCC -

FEDERAL COMMUNICATIONS COMMISSION
INTERNATIONAL BUREAU

FACT SHEET

Second Round Ka-Band Assignments Geostationary-Orbit, Fixed-Satellite Service Systems in the Ka-Band Frequencies

August 2, 2001

11 Second Round Authorizations Issued

- On August 2, 2001, the International Bureau issued separate orders authorizing 11 companies to operate satellites in geostationary-satellite orbit (GSO) in portions of the Ka-band frequency band.

- These companies are:

CAI Data Systems, Inc.
Celsat America, Inc.
DirectCom Networks, Inc.
Hughes Communications, Inc.,
KaStarCom World Satellite, LLC
Lockheed Martin Corporation
Loral Cyberstar, Inc.
Pacific Century Group, Inc.
PanAmSat Corporation
Pegasus Development Corporation
TRW, Inc.

- All companies, except for Celsat America, Inc. intend to use these satellites to provide Ka-band fixed-satellite services (FSS) to customers in the United States. Celsat will use the Ka-band for "feeder links" to support its 2 GHz mobile-satellite system licensed last month.

- Pacific Century Group, Inc. intends to operate satellites approved by the United Kingdom to serve the United States. Consequently, Pacific Century Group, Inc.'s authority to serve the United States is in the form of a "reservation of spectrum" for it to provide these services, rather than in the form of a license.

- The licenses awarded to Hughes Communications, Inc., Loral Cyberstar, Inc., and PanAmSat Corporation expand the number of satellites each is authorized to implement under previous Ka-band system licenses issued in 1997.

- The term "Ka-band" refers to space-to-Earth communications (downlink) in radio frequencies at 17.7-20.2 GHz, and the corresponding Earth-to-space communications (uplink) at 27.5-30.0 GHz.

Assignment Order

- The Bureau also issued a companion order assigning orbit locations to the newly authorized satellites. In the Order, the Bureau explained its framework in assigning each newly authorized satellite to a specific orbit location. A list of the orbital assignments is attached.

- Orbit locations deemed available for assignment were those locations not already assigned to U.S.-licensed Ka-band satellites and for which the Commission has initiated the international coordination process for the United States at the International Telecommunication Union.

Modification Orders

- In addition, the Bureau issued separate orders denying modification applications filed by GE Americom and EchoStar Satellite Corporation to operate their previously licensed Ka-band satellite systems on additional spectrum.

Spectrum Assignments

- The 11 licenses/reservation of spectrum authorize operations in all or some of the following frequency bands, consistent with the Ka-band plan adopted in 1996 and later refined for certain downlink operations:

  For uplink (Earth-to-space) transmissions:

  250 megahertz of spectrum between 28.35 and 28.6 GHz,

  250 megahertz of spectrum between 29.25 and 29.5 GHz (shared on a co-primary basis with non-geostationary satellite orbit, mobile-satellite service feeder links); and

  500 megahertz of spectrum between 29.5 and 30.0 GHz.

  For downlink (space-to-Earth) communications:

  500 megahertz of spectrum between 19.7 and 20.2 GHz;

  280 megahertz of spectrum between 18.3 and 18.58 GHz (shared on a co-primary basis with terrestrial-fixed operations); and

  220 megahertz of spectrum between 18.58 and 18.8 GHz.

Chronology

- In May 1997, the International Bureau licensed 13 companies to launch and operate GSO FSS satellite systems as part of the first Ka-band processing round ("First Round").

- In October 1997, the Bureau initiated a second processing round ("Second Round"), inviting interested parties to file applications or Letters of Intent on or before December 22, 1997 for consideration in this round.

- Eleven applicants filed applications for GSO FSS satellites, and one non-U.S. licensed satellite applicant filed a letter of intent.

ATTACHMENT

Ka-Band GSO Orbit Assignment Plan[1]

Orbit Location	Licensee
175° W.L	[Available]
147° W.L	**Loral Cyberstar, Inc.**
139° W.L	[Available]
133° W.L	**PanAmSat Corporation**
131° W.L	**Hughes Communications, Inc.**
129° W.L	**Lockheeed Martin Corporation**
127° W.L	**DirectCom Networks, Inc.**
125° W.L	**CAI Data Systems, Inc.**
123° W.L	**DirectCom Networks, Inc.**
121° W.L.	Echostar Satellite Corporation (500 megahertz) **Celsat America, Inc. (500 megahertz)**
119° W.L.	**TRW, Inc.**
117° W.L.	**Pegasus Development Corporation**
115° W.L.	CyberStar Licensee LLC
113° W.L.	VisionStar, Inc.
111° W.L	**KaStarCom World Satellite, LLC**
109.2° W.L.	WB Holdings 1, LLC (500 megahertz) [500 megahertz available]
107° W.L.	**Pegasus Development Corporation**

[1] This lists all Ka-band GSO orbit location assignments. Applicants assigned orbit locations in the second processing round are indicated with bold-face type.

105° W.L.	GE American Communications, Inc.
103° W.L.	PanAmSat Corporation
101° W.L.	Hughes Communications Galaxy, Inc.
99° W.L.	Hughes Communications Galaxy, Inc.
97° W.L.	Astrolink International LLC
95° W.L.	NetSat 28 Company, LLC
93° W.L.	CyberStar Licensee LLC
91° W.L.	Motorola, Inc.
89° W.L.	Loral Space & Communications Corporation
87° W.L.	Motorola, Inc.
85° W.L.	GE American Communications, Inc.
83° W.L.	Echostar Satellite Corporation (500 megahertz) **Celsat America, Inc. (500 megahertz)**
81° W.L.	Loral Space & Communications Corporation
79° W.L.	**TRW, Inc.**
77° W.L.	Motorola, Inc.
75° W.L.	Motorola, Inc.
73° W.L.	WB Holdings 1 LLC (500 megahertz) [500 megahertz available]
71° W.L.	**Pacific Century Group, Inc.**
67° W.L.	Loral CyberStar, Inc.
62° W.L.	**Pacific Century Group, Inc.**
58° W.L.	**PanAmSat Corporation**
51° W.L.	**Lockheed Martin Corporation**

49° W.L.	Hughes Communications Galaxy, Inc.
47° W.L.	Loral Space & Communications Corporation
45° W.L.	**PanAmSat Corporation**
43° W.L.	**Pegasus Development Corporation**
26.2° W.L.	**Hughes Communications, Inc.**
21.5° W.L.	Astrolink International LLC
17° W.L.	GE American Communications, Inc.
15° W.L.	**Loral CyberStar, Inc.**
7.5° W.L.	**Hughes Communications, Inc.**
2° E.L.	Astrolink International LLC
15° E.L.	**TRW, Inc.**
25° E.L.	Hughes Communications Galaxy, Inc.
28° E.L.	**Pegasus Development Corporation**
30° E.L.	[Available]
36° E.L.	PanAmSat Corporation
38° E.L.	[Available]
40° E.L.	PanAmSat Corporation
42° E.L.	[Available]
46° E.L.	[Available]
48° E.L.	PanAmSat Corporation
50° E.L.	[Available]
52° E.L.	**Lockheed Martin Corporation**
54° E.L.	Hughes Communications Galaxy, Inc.

56° E.L.	GE American Communications, Inc.
64.5° E.L.	[Available]
68.5° E.L.	**PanAmSat Corporation**
70.5° E.L.	[Available]
72.7° E.L.	**PanAmSat Corporation**
78° E.L.	Loral Space & Communications Corporation
89° E.L.	[Available]
97° E.L.	[Available]
99° E.L.	**Lockheed Martin Corporation**
101° E.L.	Hughes Communications Galaxy, Inc.
103° E.L.	**Hughes Communications, Inc.**
105.5° E.L.	CyberStar Licensee, LLC
107.5° E.L.	**Pegasus Development Corporation**
111° E.L.	Hughes Communications Galaxy, Inc.
114.5° E.L.	GE American Communications, Inc.
116.5° E.L.	**TRW, Inc.**
124.5° E.L.	PanAmSat Corportion
126.5° E.L.	Loral CyberStar, Inc.
130° E.L.	Astrolink International LLC
139° E.L.	[Available]
149° E.L.	PanAmSat Corporation
151.5° E.L.	**Lockheed Martin Corporation**
155° E.L.	[Available]

160° E.L.	[Available]
164° E.L.	Hughes Communications Galaxy, Inc.
166° E.L.	**PanAmSat Corporation**
169° E.L.	[Available]
173° E.L.	PanAmSat Corporation
175.25° E.L.	Astrolink International LLC

CERTIFICATE OF SERVICE

I, Shannon Thrash, hereby certify that on this 29th day of August, 2001, copies of the foregoing were served by hand delivery* or first class United States mail, postage prepaid, on the following:

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

David Sappington, Chief Economist
Jonathan Levy, Deputy Chief Economist
Office of Plans and Policy*
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Antoinette Cook Bush
Northpoint Technology, Ltd.
444 North Capitol Street, N.W.
Suite 645
Washington, D.C. 20001

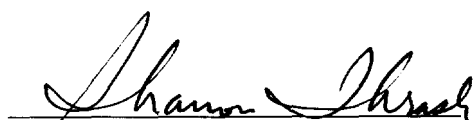
Nathaniel J. Hardy
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave, NW
Suite 200
Washington, D.C. 20036-3101

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

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

Pantelis Michalopoulos
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, D.C. 20036

James W. Olson
Gregory F. Intoccia
Howrey Simon Arnold & White LLP
1299 Pennsylvania Ave., NW
Washington, D.C. 20004



Shannon Thrash