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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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October 30, 2001

Via Hand Delivery

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth St, S.W.
Washington, DC. 20554

Ex Parte

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 at 12.2-2.7 GHz

Dear Ms. Salas:

Given numerous stories in the press and the general tenor of certain pleadings and Congressional letters aimed to convince the Commission that there is a "chosen entity" entitled to be licensed to provide Multichannel Video Distribution and Data Service (MVDDS), Satellite Receivers, Ltd. (Satellite Receivers), by its counsel, is constrained to make clear in the record that is, and long has been, seeking a geographic specific license to provide MVDDS – that there are multiple entities interested in obtaining license to provide such service; there is, nor can there be, any "chosen entity."

Satellite Receivers has for decades provided C-Band DBS service in Illinois, Iowa, Michigan, Minnesota and Wisconsin. In view of its experience, and with a mind to offer state-of-the-art service to subscribers, it filed an application for a license to provide MVDDS service in the 12.2-12.7 GHz (Ku) band in the mid-western states.

Section 1012 of the "Prevention of Interference to Direct Broadcast Satellite Services" provision of H.R. 5548 (as enacted by H.R. 4942, the District of Columbia Appropriations Act of 2001) required independent testing of proposed MVDDS wireless technology. Such testing has taken place by FCC designee MITRE. The law having

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been complied with, it is now time for the rules and licensing procedures to be promulgated by the Commission.

Satellite Receivers submits that MVDDS can be offered utilizing generic, off-the-shelf equipment. Accordingly it strenuously disagrees with any interpretation of Section 1012 as requiring each applicant's specific equipment be tested as a pre-condition of participation in the spectrum licensing process. See, *e.g.*, Northpoint Technology, Ltd., Ex Parte letter to the Commission dated October 23, 2001.

Appropriately, Satellite Receivers recommends that the Commission consider on the merits the applications of all legally, technically and financially qualified applicants. To the extent that there is any merit to the patent claims of Northpoint Technology, it must license this technology to others on fair and reasonable terms. This is in keeping with the Commission's Revised Patent Procedures that require the patent holder to make the patent available to all other parties.

Satellite Receivers also vigorously recommends that the Commission grant MVDDS licenses on a geographic basis via Designated Market Areas (DMAs). This, Satellite Receivers submits, would best facilitate the amelioration of localized interference conditions consistent with the findings of MITRE. And, from the standpoint of promoting innovation and competition, DMA licenses would be the best method to ensure high quality and responsive localized service to customers.

Granting licenses to provided MVDDS services by geographic area and requiring licensure of any valid patented technology is the best way to ensure the prompt and efficient rollout of this service. Geographic licensing would also facilitate the service becoming available to areas outside of major metropolitan areas.

In conclusion, Satellite Receivers has been and continues to pursue a geographic-specific MVDDS and looks forward to the opportunity to continue to serve the public interest in this new and exciting service.

Sincerely,

A handwritten signature in black ink that reads "David A. Irwin" followed by a stylized flourish.

David A. Irwin

Counsel for Satellite Receivers, Ltd.

Full service list and
all Commissioners

CERTIFICATE OF SERVICE

I, Denise A. Branson, hereby certify that on this 30th day of October 2001, true and correct copies of the foregoing have been served by first class U.S. Mail, postage prepaid on the following:

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