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October 31, 2001

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W., Room 204 B
Washington, D.C. 20554

Re: MDS America, Inc.
***Ex Parte* Presentation, ET Docket No. 98-206 /**

Dear Ms. Salas:

Pursuant to section 1.1206 of the Commission's Rules, MDS America, Incorporated ("MDS America"), through its undersigned counsel, writes to report an *ex parte* presentation to Commission staff in the above-referenced docket. On October 30, 2001, Kirk Kirkpatrick, CEO and President of MDS America, Peter Blond, Vice President of MDS America, Bahman Badipour, of LCC International, Inc., and Helen Disenhaus and Nancy Killien Spooner of Swidler Berlin Shereff Friedman, met with Commissioner Kathleen Abernathy, together with her Senior Legal Advisor Bryan Tramont.

At the meeting, the representatives of MDS America presented Commissioner Abernathy and Mr. Tramont with copies of LCC International's independent test report, which is already part of this docket.¹ MDS America's representatives discussed the report's results, which demonstrate that MDS America's Mutichannel Video Distribution and Data Service ("MVDDS") technology easily co-exists with Direct Broadcast Satellite ("DBS") operations in the 12 GHz band, even under conditions that are far from optimal.

The group also discussed the importance of technology-neutral rules for MVDDS, particularly in light of the availability of interference mitigation techniques superior to those of Northpoint. MDS America also outlined its technology's ability to rapidly bring high-quality broadband Internet services and video programming to rural America.

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¹ See MDS America *ex parte* submissions of October 17, 2001, October 18, 2001, and October 23, 2001. Due to the great length of the test report, a copy is not attached hereto, and therefore this letter cross-references the report previously submitted in this docket.

Please date-stamp the extra copy of this filing and return it in the enclosed self-addressed, stamped envelope.

Respectfully submitted,

A handwritten signature in black ink that reads "Nancy Killien Spooner". The signature is written in a cursive, flowing style.

Nancy Killien Spooner
Counsel for MDS America, Incorporated

Enclosures

cc: Kirk Kirkpatrick
Helen Disenhaus

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 2001, a true and correct copy of the foregoing was served via hand delivery (denoted by *) or first class United States mail, postage prepaid, on the following individuals:

Magalie Roman Salas*
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