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November 8, 2001

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

Re: MDS America, Incorporated
***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 November 7, 2001, 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 Tom Sugrue, Chief of the Wireless Telecommunications Bureau, Tom Stanley, Chief Engineer for the Wireless Bureau, Ramona Melson, Deputy Chief (Legal), of the Wireless Bureau's Public Safety and Private Wireless Division, and Barry Ohlson, Legal Advisor to the Wireless Bureau.

At the meeting, the representatives of MDS America presented Mr. Sugrue and his colleagues 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 conclusively 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, under real-world conditions, even if those conditions are far from optimal. MDS America's representatives also explained that the company's technology relies solely on interference mitigation techniques that reside in its MVDDS equipment; DBS customers' receivers, and any other associated DBS equipment, need not be altered in any way to accommodate MVDDS.

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

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.

Northpoint. MDS America described its technology's ability to rapidly bring high-quality broadband Internet services and video programming to rural America.

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 8th day of November, 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:

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(Electronic Submission to the Docket)

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Denelle Dixon *11/8/01*