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November 28, 2001

VIA ELECTRONIC FILING AND HAND DELIVERY

EX PARTE

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

Re: Notification of Ex Parte Communication in ET Docket 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:

On November 27, 2001, Sophia Collier and Antoinette Cook Bush of Northpoint Technology, Ltd. ("Northpoint") met with Jane Mago, Michele Ellison, Adam Krinsky, David Horowitz and Joel Kaufman of the Commission's Office of the General Counsel.

Northpoint argued that the Commission should promptly grant the pending applications of Northpoint's Broadwave USA affiliates for licenses to provide service in the 12.2-12.7 GHz frequency band. Northpoint also argued that the Commission lacks authority to auction the licenses, for the reasons summarized in Northpoint's September 19, 2001, ex parte describing a previous meeting with the General Counsel's Office.

In addition, Northpoint distributed and discussed a copy of its November 26, 2001, ex parte describing a meeting with Paul Margie, Legal Advisor to Commissioner Copps. In particular, Northpoint emphasized that, during all the experimental testing of Northpoint's technology, whether carried out by Northpoint, by the DBS industry, or by the MITRE Corporation, the record shows no evidence that even a single DBS customer ever suffered any harmful interference from Northpoint's terrestrial service system.

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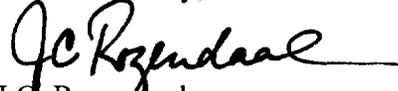
Northpoint noted that the DBS industry will be sharing the 12.2-12.7 GHz band not only with terrestrial service but also with NGSO FSS. The DBS industry has already agreed to accept more interference from NGSO FSS operators (a 10% increase in unavailability) than it will accept from terrestrial operators. This generous interference budget comes despite the fact that the NGSO FSS systems have the potential to cause harmful interference across the entire United States – not just in small mitigation zones like Northpoint's system. Moreover, it does not appear that the FCC is considering imposing any mitigation obligations on the NGSO FSS operators even though they could cause interference to far more DBS subscribers than Northpoint. Northpoint accordingly suggested that the same mitigation obligations that the Commission chooses to impose on Northpoint should be imposed on NGSO FSS operators as well.

Northpoint also pointed out the important public interest benefits of granting its pending license applications quickly rather than delaying issuance with auctions or other administrative delays. These benefits include fostering the development of new technologies, bringing new services to the public quickly, and increasing competition in the markets for Multichannel Video Programming Distribution and broadband Internet access.

Finally, Northpoint reviewed various ways in which it has been subjected to disparate treatment during the more than 7 years it has been before the Commission seeking approval to provide terrestrial services in the 12.2-12.7 GHz band.

This letter will be filed electronically in ET Docket 98-206, RM-9147, and RM-9245. In addition, twelve copies of this letter will be filed in paper form – two for inclusion in each of the above-referenced application files. Please contact me if you have any questions.

Yours sincerely,



J.C. Rozendaal

*Counsel for Northpoint
Technology, Ltd.*

cc: Meeting participants

CERTIFICATE OF SERVICE

I, Shonn Dyer, hereby certify that on this 28th day of November, 2001, copies of the foregoing were served by hand delivery* and/or first class United States mail, postage prepaid, on the following:

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