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November 29, 2001

VIA HAND DELIVERY

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EX PARTE

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

NOV 29 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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 29, 2001, Antoinette Cook Bush of Northpoint Technology, Ltd. ("Northpoint") spoke with Adam Krinsky of the Office of the General Counsel, regarding the pending license applications of Northpoint's Broadwave USA affiliates to provide terrestrial service in the 12.2-12.7 GHz frequency band. The main topic of discussion was the disparity in the treatment of Northpoint's license applications and those of the NGSO FSS applicants who filed at the same time.

Ms. Bush noted that the DBS industry has already agreed to accept more interference from NGSO FSS operators (a 10% increase in unavailability) than it will accept from Northpoint in the 12.2-12.7 GHz band. Ms. Bush also pointed out that the interference criteria proposed for the NGSOs are based on the assumption that 3.5 NGSO FSS systems will be operating; however, on current plans the Commission could license as many as 8 NGSO FSS systems, which would produce a correspondingly larger potential for interference. This generous interference budget comes despite the fact that the NGSO FSS systems have the potential to cause 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 potentially cause interference to far more DBS

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Ms. Magalie Roman Salas
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subscribers than Northpoint. Ms. Bush accordingly suggested that the same mitigation obligations that the Commission chooses to impose on Northpoint should be imposed on NGSO FSS operators as well.

Eighteen copies of this letter are enclosed – two for inclusion in each of the above-referenced application files. Please contact me if you have any questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J.C. Rozendaal", with a long horizontal flourish extending to the right.

J.C. Rozendaal
*Counsel for Northpoint
Technology, Ltd.*

cc: Adam Krinsky, Office of the General Counsel

CERTIFICATE OF SERVICE

I, Shonn Dyer, hereby certify that on this 29th 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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