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March 6, 2002

William Caton, Acting Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Meeting of MDS America, Incorporated
ET Docket No. 98-206; RM-9147; RM-9245**

Dear Mr. Caton:

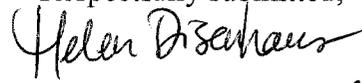
MDS America, Incorporated ("MDS America"), submits this *ex parte* filing reporting a meeting on March 5, 2002, with Paul Margie, Legal Advisor to Commissioner Copps. Peter Blond, Vice President of MDS America, Dr. Bahman Badipour, of LCC International, and Helen E. Disenhaus, of Swidler Berlin Shereff Friedman, LLP, attended the meeting on behalf of MDS America.

At the meeting, MDS America presented a brief videotape demonstrating the actual operations of Multichannel Video Distribution and Data Service ("MVDDS") systems installed by its technology licensor, MDS International, in mountainous areas in Andorra and a fishing town in Greenland. As pointed out by the local system operators, it was important in both situations that the MVDDS operations be relatively low in cost, require minimal day-to-day supervision, and be able to co-exist with Ku-Band satellite services already serving local residents without causing harmful interference to the Ku-Band satellite service reception. In both cases, as attested by the local operators in the videotape, the MVDDS service provided by MDS International satisfied these criteria.

MDS America pointed out that, unlike other participants in the docket, MDS America has MVDDS technology and equipment that not only has been field tested in the U.S. by LCC International, but also has been used in real-world operations in various parts of the world. MDS America representatives also restated MDS America's position that the ORBIT Act does not preclude the award of MVDDS licenses by competitive bidding and reiterated MDS America's support for this licensing approach. The MDS America representatives also reiterated their view that MVDDS service was particularly important for providing a competitive choice to rural parts of America and that, in order for the service to be viable, it was important that MVDDS service

areas in rural areas not be overly restricted by technical rules actually not necessary to prevent harmful interference.

Respectfully submitted,



Helen E. Disenhaus 
Counsel for MDS America, Incorporated

cc: Kirk Kirkpatrick
Nancy K. Spooner

Summary of Videotape Presentation to Commission Staff

Representatives of MDS America, Incorporated (“MDS America”) recently visited three operating terrestrial systems, one in Andorra, one in Greenland, and the other in Lyons, France, that utilize the MDS International equipment for which MDS America is the sole U.S. licensor. This is the same equipment that MDS America proposes to utilize to provide Multichannel Video Distribution and Data Service (“MVDDS”) in the United States. MDS America’s representatives prepared a short film of the systems and interviewed the system managers responsible for system oversight, with knowledge of the compatibility of the systems with Ku band satellite service reception in Andorra, Greenland, and Lyons, France.

MDS America presented this video footage to the Commission staff members listed in the cover letter transmitted with this summary of the tape. Due to time constraints, only footage of Andorra and Greenland were shown. Below is a summary of the contents of the videotape.

In the first segment, MDS America met with Mr. Josep, the immediate engineering assistant to Mr. Xavier Jimenez, the Technical Manager and Operations of Servei de Telecomunicacions d’Andorra (STA). Mr. Josep escorted MDS America’s representatives to the mountaintop where the MDS MVDDS transmitter is located. Mr. Josep showed a map of Andorra, stating that it is 430 square kilometers, and showing a diagram of their MDS system. In Andorra, Mr. Josep stated that they utilize the MDS equipment as a backhaul system to three regional distribution sites provide 10 video programming channels on UHF frequencies to every part of Andorra. Mr. Josep stated that STA looked into utilizing a standard point-to-point microwave system, but found that such a system would be much more expensive, heavy, and difficult to install, in comparison to the MDS equipment.

Mr. Josep stated that they have received “very satisfactory results” in Andorra from the MDS system. He stated that Andorra has a very complex geography, with numerous small valleys. However, the MDS system allows them to provide 10 video programming channels (several of which are state channels from France, and the Andorran national channel) to 100% of the Andorran territory. He stated that an individual in a small town can receive the same quality of service as if they were in the center of the Andorran capital.

Mr. Josep stated that STA took into consideration, before choosing the MDS system, that it not interfere with small-dish satellite service reception in the Ku band. Mr. Josep stated that such lack of interference was an important factor, because the Andorran telecommunications regulator did not want international conventions violated. Mr. Josep stated that the MDS system transmits at 1 Watt, right in the middle of the Ku band. He also stated that this was possible, without causing interference, by slightly isolating the MDS transmitter, which isolation was provided by the height of the system control building and the antenna structure. Mr. Josep then showed the satellite receiving antennas installed near the MDS antenna, and stated that this provided good proof that terrestrial systems can coexist with satellite systems in the Ku band.

In the second segment shown to staff, there is a brief interview with Mr. Kim A. Thompson, the Airport Manager for Maniitsoq, Greenland, discussing the fact that before the

installation of the MDS system, Maniitsoq could only receive a single programming channel. He stated that some people in Maniitsoq founded a club, and with some government funding were able to obtain additional programming using the MDS system.

Next, Mr. Frede Heilman, Project Manager of Maniitsoq TV, and an employee of Greenland Telecom, is shown discussing the MDS equipment. He also stated that prior to installation of the MDS system, Maniitsoq only received one radio station and one television station. He stated that Maniitsoq is a 64 degrees North Latitude, which is on the edge of the satellite service footprint. He stated that the MDS system was installed and operational in the summer of 2000, and that during the 1 ½ years of its operation, it has worked properly. He stated that the system is self-managing, only requiring a visit once a week.

Mr. Heilman then demonstrated the antenna receiving the satellite signal, and stated that 11 channels are received, 8 of which are transmitted free-to-air in Maniitsoq. He then stated that they utilize 12 GHz omnidirectional transmitting antennas from MDS. He also stated that the town's citizens use small receive dishes to obtain the terrestrial service signal from the MDS transmitter, which is important because satellite service requires very large receiving dishes in Maniitsoq. He stated that the customers' dishes are able to receive the terrestrial signal from any direction. He also showed a large satellite receive dish and stated that the satellite service customer has continued to receive service since the MDS system was installed.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of March, 2002, a true and correct copy of the foregoing was served via electronic filing (denoted by †), e-mail (denoted by *) or first class United States mail, postage prepaid, on the following individuals:

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