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March 13, 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 12, 2002, with Maureen McLaughlin, of the Commission's Office of General Counsel, on behalf of Peter Tenhula, Senior Legal Advisor to Chairman Powell. Kirk Kirkpatrick, President of MDS America, Dr. Bahman Badipour, of LCC International, and Nancy K. Spooner 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 urban areas such as Lyon, France, the second-largest city in France after Paris, and a fishing town in Greenland. As pointed out by the local system operator in Greenland, 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. As attested by the videotape, the MVDDS service provided by MDS International satisfied these criteria in highly urban and highly rural settings.

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. 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. MDS

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America's representatives provided Ms. McLaughlin with a copy of MDS America's March 7, 2002, *ex parte* submission to this docket, summarizing these points.

If you have any questions regarding this submission, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "Nancy K. Spooner". The signature is written in a cursive style with a large, prominent initial "N".

Nancy K. Spooner
Counsel for MDS America, Incorporated

cc: Kirk Kirkpatrick
Helen E. Disenhaus

Summary of Videotape Presentation

Representatives of MDS America, Incorporated (“MDS America”) recently visited three operating terrestrial systems, one in Andorra, one in Greenland, and the other in Lyon, 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 Lyon, France, the second-largest city in France after Paris.

MDS America presented this video footage to the Commission staff members listed in the cover letter transmitted with this summary of the tape.

In the first segment, MDS America met with Jean-Claude Ducasse, the inventor of MDS International’s MVDDS system. Mr. Ducasse demonstrates the video programming and extremely high-speed Internet access available through the Lyon system, by changing the channels on his television set, and showing a computer with Internet access through the MDS International system. Mr. Ducasse then goes on to explain how the idea of MVDDS originated inside France Telecom 25 years ago. Mr. Ducasse also explains how he came to begin deploying MVDDS systems around the world, including Lebanon, the U.S. military in Oman, Greenland, Macedonia, and New Zealand. Mr. Ducasse states that are many thousands of DBS receive dishes in the Lyon, France area, but his system has never once received a single complaint. Mr. Ducasse then states that he himself receives DBS service at his home, and has never had interference issues, although his MVDDS system in Lyon operates in the same frequency bands as the DBS service.

In the second segment, MDS America met with Mr. Josep Rosich,¹ the immediate engineering assistant to Mr. Xavier Jimenez, the Technical Manager and Operations of Servei de Telecomunicacions d’Andorra (STA). Mr. Rosich escorted MDS America’s representatives to the mountaintop where the MDS MVDDS transmitter is located. Mr. Rosich showed a map of Andorra, stating that it is 430 square kilometers, and showing a diagram of their MDS system. In Andorra, Mr. Rosich 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. Rosich 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. Rosich 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

¹ In its previous summaries of this videotape submitted in *ex parte* filings to this docket on March 6, 2002, MDS America incorrectly identified Mr. Josep Rosich as Mr. Josep. MDS America hereby corrects this error.

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. Rosich 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. Rosich stated that such lack of interference was an important factor, because the Andorran telecommunications regulator did not want international conventions violated. Mr. Rosich 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. Rosich 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 third segment, 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 13th 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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