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April 18, 2002

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

EX PARTE

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> 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. Dortch:

On April 17, 2002, Antoinette Cook Bush of Northpoint Technology, Ltd. ("Northpoint") spoke by telephone with Bryan Tramont, Senior Legal Advisor to Commissioner Abernathy. Ms. Bush pointed out that Northpoint Technology, Ltd. was the only applicant for a terrestrial license in the 12.2-12.7 GHz band to submit technology to the MITRE Corporation for independent testing, as required by federal law. *See* Pub. L. 106-553, App. B, 114 Stat. 2762A-141 to 2762A-142, § 1012 (Dec. 21, 2000) MITRE has confirmed that Northpoint's technology is capable of operating without causing harmful interference to DBS operations.

Ms. Bush expressed Northpoint's view that any entity wishing to offer terrestrial service in the 12.2-12.7 GHz band must by law likewise submit technology for testing under the Commission's aegis and demonstrate that its technology is capable of sharing the spectrum without causing harmful interference to DBS operations.

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

No. of Copies rec'd 0717  
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Ms. Marlene H. Dortch  
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Yours sincerely,

A handwritten signature in black ink, appearing to read "J.C. Rozendaal". The signature is fluid and cursive, with a large initial "J" and "C".

J.C. Rozendaal  
*Counsel for Northpoint Technology, Ltd.  
and Broadwave USA, Inc.*

cc: Bryan Tramont, Office of Commissioner Abernathy

## CERTIFICATE OF SERVICE

I, Heather Hauser, hereby certify that on this 18th day of April, 2002, 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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Heather Hauser