

ORIGINAL

KELLOGG, HUBER, HANSEN, TODD & EVANS, P.L.L.C.

SUMNER SQUARE

1615 M STREET, N.W.

SUITE 400

WASHINGTON, D.C. 20036-3209

(202) 326-7900

FACSIMILE:

(202) 326-7999

May 22, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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EX PARTE

Ms. Marlene H. Dortch
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; Application of Compass Systems, Inc. for Authority to Construct an International Direct Broadcast Satellite System.

Dear Ms. Dortch:

On May 21, 2002, Sophia Collier and Antoinette Cook Bush met on behalf of Compass Systems, Inc. ("Compass") and Northpoint Technology, Ltd. ("Northpoint") with Peter Tenhula, Senior Legal Advisor to the Chairman. Also on that day, they met with Susanna Zwerling, Legal Advisor to Commissioner Copps.

In both meetings, Ms. Collier and Ms. Bush requested prompt action on Compass's pending DBS application and urged the Commission to accept the application for filing and release it for public comment as soon as possible.

Ms. Collier and Ms. Bush also discussed technical issues in ET Docket 98-206 relating to terrestrial wireless sharing of the spectrum with DBS operators, and reiterated Northpoint's proposals that have been repeatedly entered into the record of these proceedings. In particular, Ms. Collier and Ms. Bush discussed the statutory independent

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testing requirement and its continued applicability. They also pointed out that Northpoint holds multiple patents on the technology that terrestrial wireless operators need in order to share the spectrum with DBS. They expressed Northpoint's concern that the Commission take care not to inadvertently create a licensing process that causes the FCC to infringe or encourages others to infringe those patents.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read "J.C. Rozendaal". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J.C. Rozendaal

*Counsel for Northpoint Technology, Ltd.
and Compass Systems, Inc.*

cc: meeting participants

CERTIFICATE OF SERVICE

I, Shonn Dyer, hereby certify that on this 22nd day of May, 2002, copies of the foregoing were served by hand delivery* and/or first class United States mail, postage prepaid, on the following:

Marlene H. Dortch*
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-B204
Washington, D.C. 20554

Peter Tenhula*
Office of Chairman Powell
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Susanna Zwerling*
Office of Commissioner Copps
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Antoinette Cook Bush
Northpoint Technology, Ltd.
444 North Capitol Street, N.W.
Suite 645
Washington, D.C. 20001

Tony Lin
David C. Oxenford
Shaw Pittman
2300 N. Street, NW
Washington, D.C. 20037

Nathaniel J. Hardy
Irwin, Campbell & Tannewald, PC
1730 Rhode Island Avenue, NW
Suite 200
Washington, D.C. 20036

James H. Barker, III
Latham & Watkins
1001 Pennsylvania Ave., NW
Suite 1300
Washington, D.C. 20004-2505

Pantelis Michalopoulos
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, D.C. 20036

Nancy K. Spooner
Swidler Berlin Shereff Friedman, LLP
The Washington Harbor
3000 K Street N.W., Suite 300
Washington, D.C. 20007-5116


Shonn Dyer