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October 21, 2002

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**

Dear Ms. Dortch:

I write to inform you about two ex parte communications by Northpoint Technology, Ltd. ("Northpoint") on October 18, 2002.

First, Sophia Collier, Antoinette Cook Bush, and Robert Combs of Northpoint Technology, Ltd., and Broadwave USA, Inc., met with the following Commission officials: Geri Matise, Shameeka Parrott, Ira Keltz, Gary Thayer, and Kathryn Medley of the Office of Engineering and Technology; and Kathleen Ham, Shellie Blakeney, Herb Zeiler, and D'wana Terry of the Wireless Telecommunications Bureau. The purpose of the meeting was to discuss issues raised in the various pending petitions for reconsideration in ET Docket 98-206. The points Northpoint raised are summarized in the attached presentation, copies of which were distributed at the meeting. Copies of the attached ex parte letter from Robert Combs, previously filed in this docket on January 14, 2002, were also distributed.

Second, Ms. Collier and Ms. Bush of Northpoint met with Bryan Tramont, Senior Legal Advisor to the Chairman. They again distributed and reviewed the attached presentation (but not the attached ex parte letter). They also urged the Commission promptly to complete action on the pending petitions for Reconsideration in Docket 98-206. In particular, Ms. Collier and Ms. Bush suggested that the Commission consider acting immediately on the auction issues raised in the Petition for Reconsideration filed by Pegasus Broadband Corp. It was on the basis of Pegasus's petition alone that the FCC sought and obtained an order from the D.C. Circuit holding in abeyance Northpoint's appeal of the Commission's Second Report and Order in this docket. Commission action

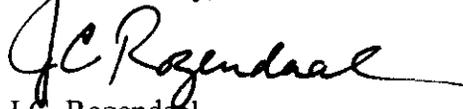
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on the narrow issues raised in that petition should allow Northpoint's appeal to proceed, even as the Commission continues to consider the technical issues raised in other petitions for reconsideration.

Northpoint pointed out to Mr. Tramont that Pegasus erroneously claimed in its petition that it "passed" the MITRE test. In fact, the MITRE report indicated that the information Pegasus had submitted was insufficient to determine if it had a viable system at all. With regard to Pegasus's suggestion that the Commission might hold an auction with the pool of bidders limited to Pegasus, Northpoint, and Satellite Receivers, Northpoint observed that the Commission had already considered and rejected that suggestion, and that there is no need to revisit that issue. *Compare First Report and Order*, ¶ 329 & n.667 (seeking comment on proposal to limit license to one or more of the terrestrial applications already submitted) *with Second Report and Order* ¶¶ 210 *et seq.* (discussing status of previously submitted applications, dismissing them without prejudice, and permitting their resubmission in new filing window together with other applications). Finally, Northpoint inquired about the status of the Compass Systems, Inc., DBS application.

This letter is being filed electronically. Please contact me if you have any questions.

Yours sincerely,



J.C. Rozendaal

Counsel for Northpoint Technology, Ltd.

cc: meeting participants

CERTIFICATE OF SERVICE

I, Shannon Thrash, hereby certify that on this 21st day of October, 2002, copies of the foregoing were served by first class United States mail, postage prepaid, on the following:

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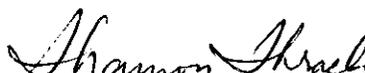
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