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October 24, 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:

On October 23, 2002, Antoinette Cook Bush Northpoint Technology, Ltd., ("Northpoint") met with John Branscome, Acting Legal Advisor to the Commissioner Abernathy. The purpose of the meeting was to discuss issues raised in the pending petitions for reconsideration in ET Docket 98-206. Ms. Bush provided a brief overview of Northpoint's technology and of its history before the Commission in these proceedings, and she gave him a copy of the attached presentation.

Ms. Bush also urged the Commission promptly to complete action on the pending petitions for Reconsideration in Docket 98-206. In particular, she 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 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.

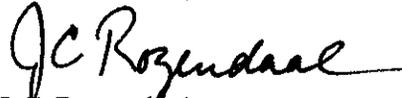
Ms. Bush pointed out to Mr. Branscome that Pegasus erroneously claimed in its petition that it "passed" the MITRE test. In fact, the MITRE report indicated that the information Pegasus had submitted was insufficient to determine if it had a viable system at all. With regard to Pegasus's suggestion that the Commission might hold an auction with the pool of bidders limited to Pegasus, Northpoint, and Satellite Receivers, Ms. Bush observed that the Commission had already considered and rejected that suggestion,

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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, she 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,

A handwritten signature in black ink that reads "J.C. Rozendaal". The signature is written in a cursive, flowing style.

J.C. Rozendaal
Counsel for Northpoint Technology, Ltd.

cc: John Branscome (Office of Commissioner Abernathy)

CERTIFICATE OF SERVICE

I, Shonn Dyer, hereby certify that on this 24th 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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