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May 7, 2003

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; Auction of Multichannel Video Distribution and Data Service
Licenses (Auction No. 53)**

Dear Ms. Dortch:

On May 1, 2003, Antoinette Cook Bush of Northpoint Technology, Ltd. ("Northpoint") met with Chairman Powell and his Senior Legal Advisor, Bryan Tramont. The purpose of the meeting was to discuss Northpoint's pending appeal before the D.C. Circuit regarding (1) the dismissal of the applications of Northpoint's Broadwave USA affiliates to provide terrestrial service in the 12 GHz band and (2) the Commission's decision in ET Docket 98-206 to create a new Multichannel Video Distribution and Data Service ("MVDDS") and to distribute MVDDS licenses via auction.

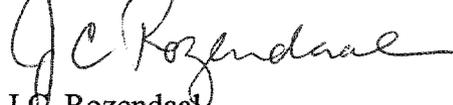
In particular, Northpoint urged the Commission not to go forward with the planned auction of MVDDS licenses until after Northpoint's pending appeal, which challenges the legality of that auction and the qualifications of would-be bidders, has been resolved. Northpoint noted that staying the auction is particularly important in this case because the auction implicates two new statutes that have not yet been interpreted by any court: 47 U.S.C. § 765f and 47 U.S.C. § 1110. Northpoint also argued that a stay is appropriate because ET Docket 98-206 presents novel questions about the Commission's authority to distribute some spectrum licenses via auction while distributing other licenses to use the same spectrum resource without auctions.

The attached handout was distributed at the meeting.

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

Yours sincerely,

A handwritten signature in cursive script, appearing to read "J.C. Rozendaal". The signature is written in black ink and is positioned above the printed name.

J.C. Rozendaal

Counsel for Northpoint Technology, Ltd.