



Pillsbury
Winthrop
Shaw
Pittman^{LLP}

2300 N Street, N.W.
Washington, D.C. 20037-1128

Tel 202.663.8000
Fax 202.663.8007
www.pillsburylaw.com

June 27, 2005

Bruce D. Jacobs
202.663.8000
bruce.jacobs@pillsburylaw.com

By Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: EX PARTE SUBMISSION
WT Docket 03-66; Amendment of Parts 1, 21, 73, 74, and 101 of the
Commission's Rules to Facilitate the Provision of Fixed and Mobile
Broadband Access, Educational and Other Advanced Services in the
2150-2162 and 2500-2690 GHz Bands**

Dear Ms. Dortch:

NY3G Partnership ("NY3G") hereby submits the attached engineering statement demonstrating that an operator requires at least three low-power channels in order to have adequate capacity for the deployment of high-speed, two-way digital broadband service in the New York City metro area. Due to the limits of antenna side-lobe rejection, the use of less than three channels would restrict an operator to one or two sectors per cell for the higher modulation densities (64-QAM). This would prevent sufficient frequency reuse to meet expected broadband demand. In contrast, the use of three channels would permit the utilization of six-sector cells, increasing capacity by 200% using 64-QAM (from 2.61 Mbps per sq. km to 7.91 Mbps per sq. km). Moreover, by adding a fourth channel, an operator could use eight-sector cells increasing capacity by an additional 33% (to 10.48 Mbps per sq. km) and further enhancing an operator's ability to provide much-needed broadband service in the nation's largest market. Accordingly, if the Commission elects to resolve the potential for interference between the F group co-channel licensees in New York City through the assignment of exclusive individual channels, given the clear public interest in having fully competitive broadband wireless systems, it should assign NY3G at least three low-power channels but preferably four channels, if possible.

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Very truly yours,

/s/

Bruce D. Jacobs
Tony Lin
Counsel for NY3G Partnership

Attachment

cc: (w/attachment)
Scott Delacourt
Uzoma Onyeije
John Schauble
Greg Vadas
Nancy Zaczek