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September 21, 2005

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Via Electronic Delivery

Marlene H. Dortch  
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

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Dear Ms. Dortch:

On September 19, 2005, Bradley Holmes, Chief Operating Officer of NY3G Partnership ("NY3G"), and Vern Fotheringham, Chief Executive Officer of ADAPTIX, Inc. ("ADAPTIX"), met with Uzoma Onyeije, John Schauble, Catherine Seidel, and D'Wana Terry of the Wireless Telecommunications Bureau regarding the above-referenced proceeding. The attached documents were distributed at the meeting.

The parties discussed the recent press release issued by NY3G and ADAPTIX regarding the trial deployment of fixed and mobile broadband services in New York City. NY3G is actively working towards the full deployment of innovative broadband services in the nation's largest market and has estimated that such deployment will generate consumer savings in the hundreds of millions of dollars and facilitate broadband availability, a key Commission policy objective. Moreover, Commission action facilitating NY3G's efforts is supported by the Commission's 1983 order which redesignated the E and F group channels for MMDS in order to encourage the innovative services that NY3G is now in the process of deploying.<sup>1</sup>

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<sup>1</sup> See *In the Matter of Amendment of Parts 2, 21, 74 and 94 of the Commission's Rules and Regulations in Regard to Frequency Allocation to the Instructional Television Fixed Service, the Multipoint Distribution Service and the Private Operational Fixed Microwave Service*, Report

Footnote continued on next page

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NY3G also reiterated its position on the record that a “split-the-football” approach would not provide a viable solution in New York City because of the creation of an “exclusion zone” on both sides of the boundary between co-channel F group licensees, effectively denying service on those channels to over seven million people and hundreds of thousands of businesses located throughout Manhattan and in large portions of Brooklyn and Queens. The parties discussed the alternative solution of assigning the low-power channels to the MMDS licensee and the high-power channel to the grandfathered ITFS licensee.

NY3G emphasized that prompt Commission action to resolve this problem would serve the public interest.

Very truly yours,

\_\_\_\_\_  
/s/

Bruce D. Jacobs  
Tony Lin  
*Counsel for NY3G Partnership*

#### Attachments

cc: Uzoma Onyeije  
John Schauble  
Catherine Seidel  
D’Wana Terry

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and Order, 94 FCC 2d 1203 (1983); *aff’d on reconsideration*, Memorandum Opinion and Order on Reconsideration, 98 FCC 2d 129, at ¶ 62 (1984).

## **NY3G Partnership and ADAPTIX Announce Mobile Broadband Deployment for New York City**

*Pre-WiMAX Trial in Manhattan to Commence in Early 2006*

**SEATTLE and NEW YORK – September 8, 2005** – ADAPTIX, Inc., a leader in software defined, all-IP Orthogonal Frequency Division Multiple Access (OFDMA) wireless mobile broadband access technologies, and the NY3G Partnership, a Broadband Radio Services (BRS) spectrum licensee in New York City, today announced a trial of ADAPTIX' line of broadband fixed and mobile OFDMA/TDD pre-WiMAX systems. The trial, to commence in early 2006, will be deployed over several locations on the island of Manhattan.

“As the largest market in the U.S., New York City offers the opportunity for ADAPTIX and NY3G to show the robustness of the OFDMA/TDD platform in a challenging environment for any wireless technology,” said Vern Fotheringham, president and CEO of ADAPTIX. “Now fixed and mobile multi-megabit applications such as Voice over IP, data downloads and transfers, full-length movies and music downloads and multiplayer video games, can finally fulfill the promise of a truly connected Internet, whenever and wherever.”

ADAPTIX recently demonstrated mobile WiMAX capabilities in its GMC Yukon Denali at the WiMAX Forum event on July 15, where it simultaneously received mobile Voice over IP calls, played video content such as feature-length movies and transferred large files, at throughput of up to 2.5 Mbps traveling at vehicular speeds through the coverage area. The technology is based on the forthcoming 802.16e wireless standard, expected to be ratified by the WiMAX Forum and Institute of Electrical and Electronics Engineers (IEEE) later this year.

“This trial commences at a very exciting time in the evolution of mobile broadband wireless,” said Bradley Holmes, chief operating officer of NY3G. “NY3G’s spectrum is capable of providing a variety of New York City-wide broadband services to businesses, residents, public safety organizations, community groups and schools. The scalability, flexibility and resource efficiency of the ADAPTIX platform appear to be an ideal fit for our deployment strategy.”

### **About ADAPTIX**

ADAPTIX is headquartered in Seattle, Washington, with product development and manufacturing facilities in Shanghai, China. To meet the exploding demand for integrated mobile voice, video, and data applications, ADAPTIX has developed a dynamic software-defined, hardware enabled infrastructure platform for service providers globally. The ADAPTIX OFDMA/TDD operation system gives service providers the highest level of special and resource flexibility and efficiency to deploy applications such as mobile VoIP, multimedia messaging, and other multi-megabit, QoS dependent services quickly and cost effectively. For more information please visit, [www.adaptix.com](http://www.adaptix.com).

### **About NY3G Partnership**

NY3G Partnership is one of two BRS spectrum licensees in New York City, the nation’s number one market. The partners of NY3G have significant telecom, media, and technology interests and have decades of experience in providing new and innovative wireless services in New York City. They include several founders



of the cellular telephone industry who played key roles in the design, construction and operation of the non-wireline cellular system in New York City. Another provided wireless cable and information services to colleges, hospitals, and assisted living facilities in New York City.

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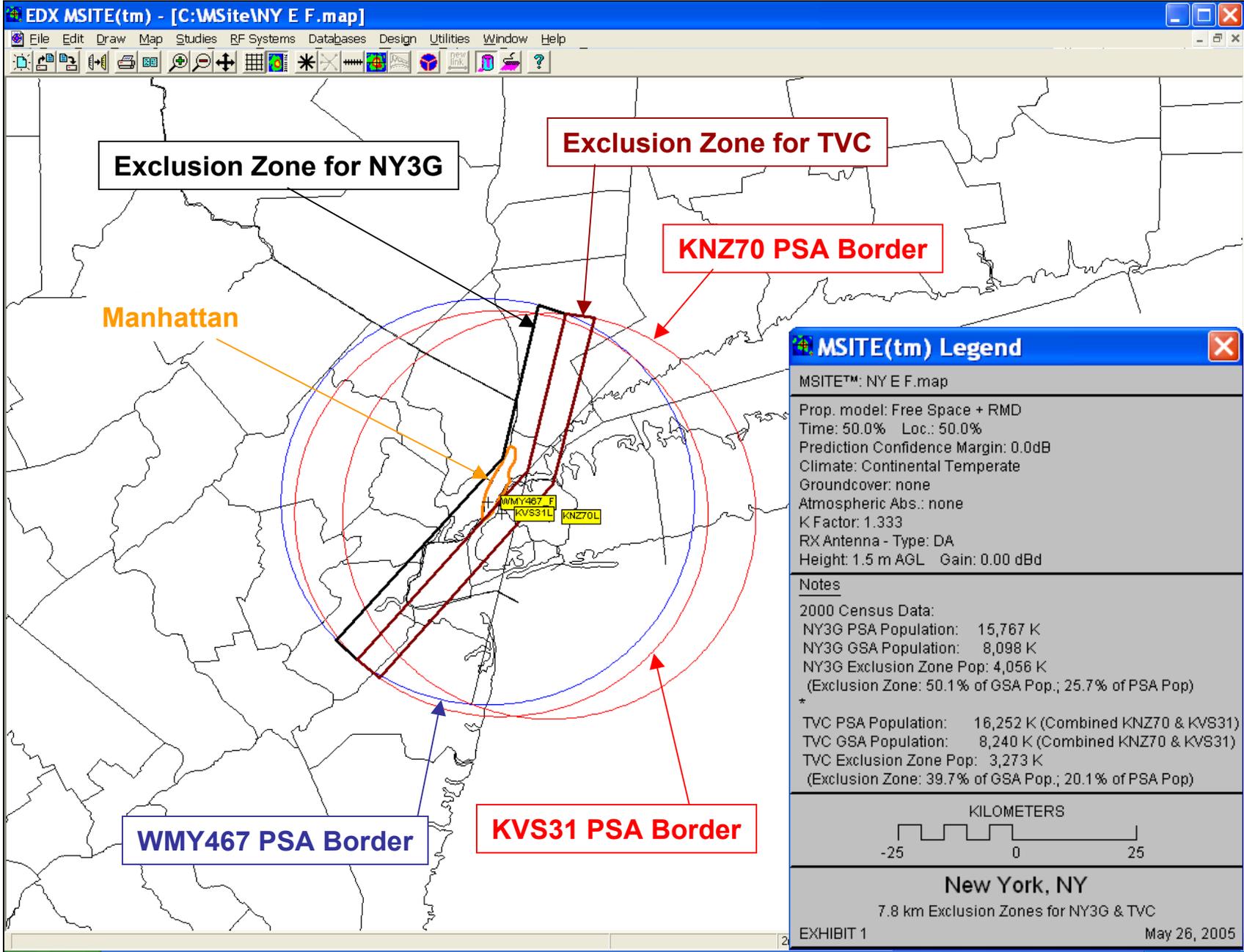
All product and company names mentioned herein may be trademarks of their respective owners.

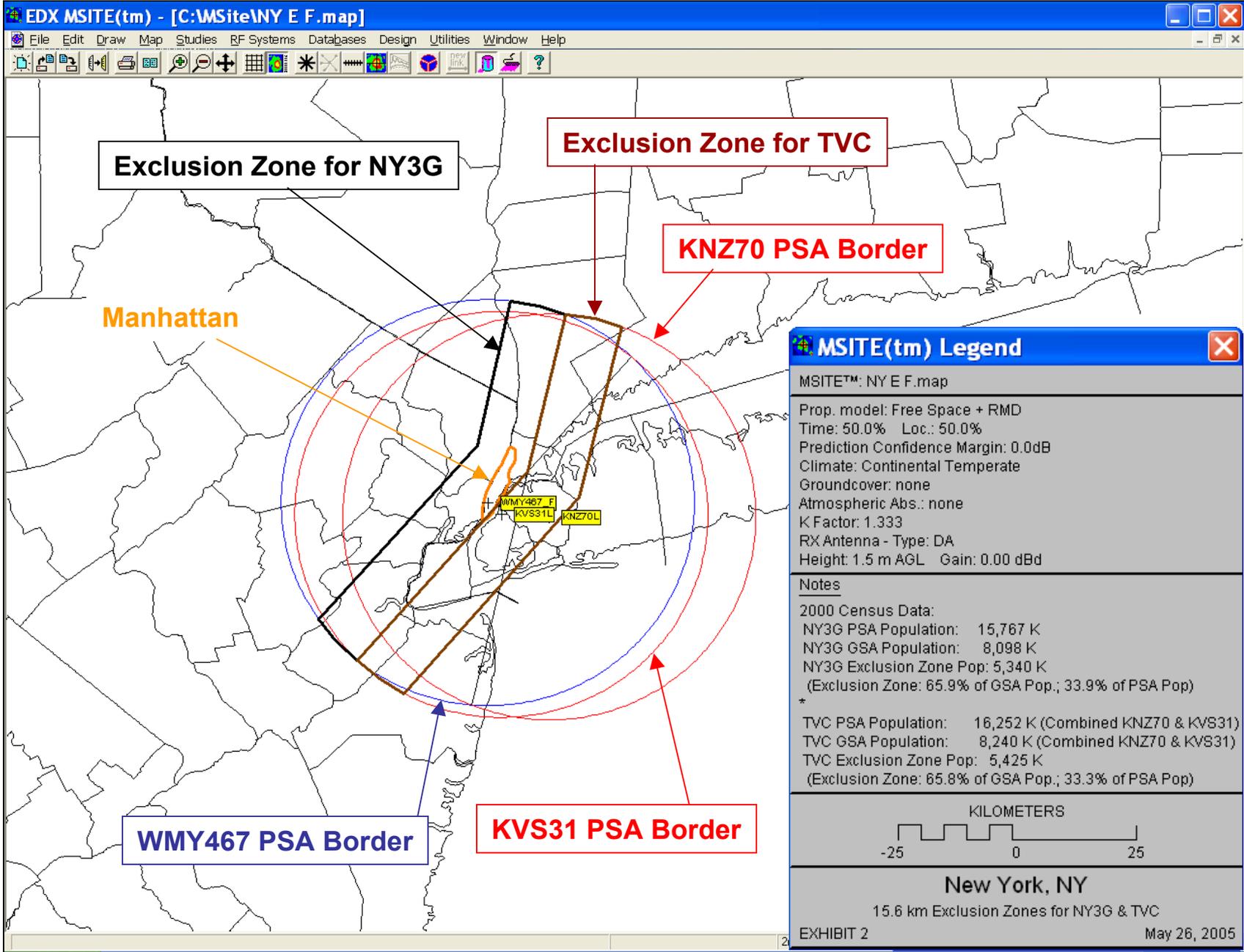
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Exclusion Zone for NY3G

Exclusion Zone for TVC

KNZ70 PSA Border

Manhattan

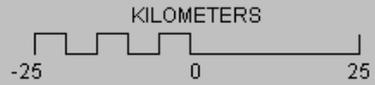
WMY467 PSA Border

KVS31 PSA Border

**MSITE(tm) Legend**

MSITE™: NY E F.map  
 Prop. model: Free Space + RMD  
 Time: 50.0% Loc.: 50.0%  
 Prediction Confidence Margin: 0.0dB  
 Climate: Continental Temperate  
 Groundcover: none  
 Atmospheric Abs.: none  
 K Factor: 1.333  
 RX Antenna - Type: DA  
 Height: 1.5 m AGL Gain: 0.00 dB

**Notes**  
 2000 Census Data:  
 NY3G PSA Population: 15,767 K  
 NY3G GSA Population: 8,098 K  
 NY3G Exclusion Zone Pop: 5,340 K  
 (Exclusion Zone: 65.9% of GSA Pop.; 33.9% of PSA Pop)  
 \*  
 TVC PSA Population: 16,252 K (Combined KNZ70 & KVS31)  
 TVC GSA Population: 8,240 K (Combined KNZ70 & KVS31)  
 TVC Exclusion Zone Pop: 5,425 K  
 (Exclusion Zone: 65.8% of GSA Pop.; 33.3% of PSA Pop)



**New York, NY**  
 15.6 km Exclusion Zones for NY3G & TVC  
 EXHIBIT 2  
 May 26, 2005