



Federal Communications Commission
Washington, D.C. 20554

April 5, 2000

Mr. James H. Barker
Latham and Watkins
1001 Pennsylvania Ave., N.W.
Suite 1300
Washington, D.C. 20004-2505

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Re: ET Docket No. 98-206; DA 99-494; Diversified Communication Engineering, Inc., File Nos. 6001-EX-MR-1998, 0094-EX-ST-1999; Call Sign WA2XMY

Dear Mr. Barker:

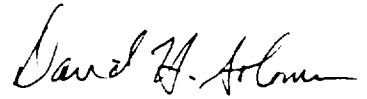
In a letter dated March 15, 2000, DIRECTV seeks clarification of the findings and reversal of the conclusion of the former Compliance and Information Bureau (CIB), which has been consolidated into the Enforcement Bureau, regarding a demonstration conducted on September 29, 1999, by Diversified Communications Engineering (DCE). The Commission's Office of Engineering and Technology (OET) requested that CIB investigate an allegation of "harmful interference" to Echostar caused by the operation of Northpoint technology by DCE under the authority of an experimental license. CIB received the request from OET on September 28, 1999, and three engineers attended a demonstration conducted by DCE on September 29, 1999. CIB prepared an internal report, which it submitted to OET.

DIRECTV states that it has previously provided data and presentations that clearly demonstrate that Northpoint operations will seriously degrade and interrupt satellite direct broadcast service (DBS). DIRECTV states that CIB misinterpreted the "data" collected on September 29, 1999, and that the test results indicate that harmful interference did exist during DCE's demonstration.

The engineers conducted an "on/off" test in cooperation with DCE to determine if harmful interference existed. The DCE transmitter was turned "on" and then "off." An FCC engineer observed the Northpoint transmitter power level to ensure that it remained constant during the "on/off" tests. During the time that the DCE transmitter was on, two FCC engineers observed the "s-meter" readings and the picture quality on DCE's television receivers for three programs carried by Echostar and DIRECTV. The engineers concluded that there was no harmful interference as defined in section 2.1 of the FCC's Rules, 47 C.F.R. § 2.1, caused by the operation of the Northpoint technology to the reception of Echostar or DIRECTV programming on September 29, 1999. Simply put, the engineers did not observe any interruption in either DIRECTV or Echostar's service caused by the operation of DCE at the time they made the observations.

I find no reason to alter or reverse the statements in the CIB Report. The document is merely a report of the observations made by three FCC engineers in response to a request by OET to determine if DCE was causing harmful interference to Echostar. It is not a conclusion about the merits of Northpoint Technology nor is it a conclusion about interference limits for non-geosynchronous satellite systems.

Sincerely,



David H. Solomon
Chief, Enforcement Bureau

cc: Magalie Roman Salas, Secretary, FCC
Antoinette Cook Bush, Esq.