

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Request for Special Temporary )  
Authorization to test for 120 days the )  
interference caused to typical )  
Direct Broadcast Satellite receivers )  
from the system proposed by )  
Diversified Communications )  
Engineering, Inc. in the )  
12.2-12.7 GHz band )  
 )

File No. 0418-EX-ST-1999  
Call Sign WA9XHY

**REQUEST FOR MINOR MODIFICATION OF SPECIAL TEMPORARY  
AUTHORIZATION**

In accordance with Section 5.61 of the Commission's Rules, 47 C.F.R. § 5.61, DIRECTV, Inc. and EchoStar Satellite Corporation (collectively, the "DBS Operators") hereby seek authority for a minor modification of the above-captioned special temporary authorization ("STA"). Specifically, the DBS Operators seek authority to add two additional test sites to the STA. The DBS Operators also request an additional 60 days (up to the 180 day STA limit) to complete testing. Since the DBS Operators are the only authorized users of the spectrum in the relevant areas in the first place, the requested extension does not raise any issues and is in the public interest as it will yield additional information relevant to evaluating Diversified Communications Engineering, Inc.'s ("Northpoint's") proposal.

On February 9, 2000, the Office of Engineering and Technology granted the above-captioned STA to allow the DBS Operators to conduct tests for 120 days the interference caused to typical Direct Broadcast Satellite ("DBS") receivers from the system proposed by

Northpoint in the 12.2-12.7 GHz band, which is allocated on a primary basis to the DBS service. That authorization initially covered 4 sites. In the original STA request, the DBS Operators indicated that they would notify the Commission if additional locations were to be added for purposes of testing. To further their testing objectives and to enhance the usefulness of their tests, the DBS Operators request that the following two station locations be added to the above-captioned STA:

Reston, VA  
Anderson Consulting Building  
One Freedom Square  
Latitude: North 38 degrees, 57' 31.5"  
Longitude: West 77 degrees, 21' 32.7"  
Tower Height: 215'  
Ground Elevation: 405' AMSL

Oxon Hill, MD  
Constellation Center Building  
6009 Oxon Hill Road  
Latitude: North 38 degrees 48' 19.0"  
Longitude: West 76 degrees 58' 48.0"  
Tower height: 152'  
Ground Elevation: 260' AMSL

The technical specifications for the testing set forth in the original STA request submitted by the DBS Operators will remain the same for each new testing location.

The DBS Operators believe that the addition of these two sites is in the public interest because it will permit the DBS Operators to produce useful testing results for the Commission to use in connection with its consideration of the Northpoint proposed system and the Commission's pending rulemaking proceedings. The DBS Operators will operate these additional test sites in full compliance with all the terms and conditions of their STA.

The DBS Operators also request an additional 60 days (up to the 180 day STA limit) to complete testing. The need to replicate Northpoint's system and procure the appropriate equipment caused a delay in the testing and warrants a minor extension. The DBS Operators note that this need arose because Northpoint declined to provide the DBS Operators with the antenna, requiring them to try to replicate Northpoint's system instead.

Specifically, in the original STA request, the DBS Operators stated that use of a Northpoint transmit antenna was necessary for yielding useful information, and accordingly, they would be contacting Northpoint's counsel to obtain temporary use of a Northpoint antenna. See DBS Operators Request for Special Temporary Authorization at 3 (Dec. 1, 1999). Northpoint has been unwilling to supply such an antenna for testing. See Letter from Antoinette Cook Bush to James H. Barker and Pantelis Michalopoulos at 1 (Dec. 21, 1999). Accordingly, the DBS Operators have been faced with the challenge of creating a Northpoint antenna from "scratch" for purposes of conducting their tests. This has necessitated ordering custom-made equipment and parts from vendors. This process has taken significantly longer than expected, and accordingly, the DBS Operators need an additional 60 days to ensure that their tests under the STA are completed. As originally granted, the DBS Operators' STA was for 120 days – 60 days less than the typical STA grant. The grant of additional time (only up to the 180 day limit) will ensure that the DBS Operators are able to obtain useful information that will assist the Commission in assessing Northpoint's proposal.

The Applicants hereby certify that they, their officers and directors, and any party with five percent or greater interest in this request for temporary authorization is not subject to

denial of the Federal benefits requested herein pursuant to Section 5301 of the Anti Drug Abuse Act of 1988, 21 U.S.C. § 862.

In accordance with Section 304 of the Communications Act of 1934, as amended, the DBS Operators hereby waive any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

Enclosed is a check for \$45.00 to cover the filing fee (Fee Type code "EAE") for this modification request, along with a completed FCC Form 159.

If there are any questions concerning this modification request, please contact the DBS operators' counsel:

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**Respectfully submitted,**

**EchoStar Satellite Corporation**

A handwritten signature in cursive script, reading "David K. Moskowitz", written over a horizontal line.

David K. Moskowitz  
Senior Vice President and General Counsel  
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Dated: May 17, 2000

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May, 2000 a true and correct copy of the foregoing Request for Minor Modification was served via hand delivery (indicated by \*) or first class mail, postage prepaid, upon the following:

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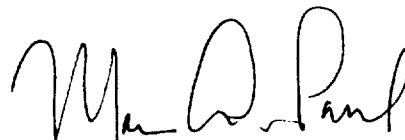
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Respectfully submitted,

**DIRECTV, Inc.**

  
James Butterworth  
Vice President, Space and Communications  
DIRECTV, Inc.

Dated: May 17, 2000