FCC Form 442
Exhibit 1 (Questions 5(b), 10)
CellularVision of New York, L.P.

CellularVision of New York, L.P. ("CellularVision") hereby requests authority to conduct a program of experimentation, including limited market studies, to develop its point-to-multipoint Local Multipoint Distribution Service ("LMDS") technology in the 31.0-31.3 GHz band in the New York Basic Trading Area ("BTA").

By way of background, ten years ago, CellularVision's founding principals embarked on a program of experimentation in order to develop an wireless video, telephony and data service in the fallow 28 GHz band to provide consumers with an alternative to entrenched cable and telco providers. Today, a decade later, based on CellularVision's pioneering work,[1] the Commission is about to complete a rulemaking proceeding allocating spectrum for LMDS licenses in BTAs nationwide, with spectrum auctions to follow. Specifically, in the First Report and Order in CC Docket No. 92-297, the Commission allocated a total of 1 GHz non-contiguous in the 28 GHz band, 27.5-28.35 and 29.1-29.25 GHz, for LMDS. However, because of restrictions on LMDS subscriber transmissions in the 29.1-29.25 GHz band, in the Fourth Notice of Proposed Rulemaking in CC Docket No. 92-297, the Commission proposed to allocate

[1] The Commission has twice tentatively granted CellularVision a pioneer's preference for its singular leadership role in creating the revolutionary, versatile LMDS technology. See Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration, CC Docket No. 92-297, 8 FCC Rcd 557, paras. 57-65 (1993); Third Notice of Proposed Rulemaking and Supplemental Tentative Decision ("Third NPRM"), 11 FCC Rcd 53, paras. 68-73 (1995).

300 MHz in the 31.0-31.3 GHz band for LMDS on a primary protected basis in an effort to compensate for the encumbered nature of the 150 MHz from 29.1-29.25 GHz. Additionally, the FCC proposed to award by auctions one LMDS license in each BTA, with the entire 28 GHz and 31 GHz LMDS spectrum allocation assigned as a single block to each licensee.

Accordingly, based on the Commission's proposed allocation of 31 GHz spectrum for LMDS and licensing of 31 GHz spectrum together with 28 GHz spectrum, CellularVision, the recognized pioneer of LMDS, seeks the authority pursuant to Section 5.202(i) to conduct a program of experimentation to develop radio technique, equipment and operational and engineering data for LMDS in the 31 GHz band. Specifically, CellularVision proposes to experiment with analog video as well as with digital signals including voice, video and data at various data rates. This authorization will allow CellularVision to begin to develop and test possible 31 GHz applications of LMDS, particularly in conjunction with 28 GHz spectrum as part of a single LMDS system. In view of the fact that the Commission has proposed to allocate 31 GHz spectrum for LMDS, and CellularVision is not aware of any testing of point-to-multipoint operations in the 31 GHz band, it is important that such experimentation be conducted.

CellularVision further requests authority, pursuant to and consistent with Sections 5.202(j) and 5.206 of the Commission's Rules, to conduct limited market studies, as this will allow CellularVision to determine to what extent customers will

be willing to pay for various packages of video, telephony and/or data services delivered through 31 GHz LMDS technology. The 31 GHz authorization requested by CellularVision will be consistent with CellularVision's current 28 GHz experimental licenses, which permit CellularVision to conduct fixed station experimentation and limited market studies in New York, NY (Call Sign KA2XVG), and mobile station experimentation in New Jersey, New York and Pennsylvania (Call Sign KA2XLG).

CellularVision requests that it be permitted to conduct 31 GHz LMDS experimentation in the New York BTA, since that will provide CellularVision with the flexibility to test 31 GHz LMDS systems under a variety of geographic operating conditions and deployment environments, consistent with and in conjunction with its 28 GHz experimental licenses. Moreover, the Commission has proposed to license LMDS on a BTA service area basis nationwide, and has proposed to afford CellularVision the exclusive right to acquire the license for the New York BTA pursuant to its pioneer's preference.[2]

In view of CellularVision's singular leadership role in the creation of LMDS, as well as its unique experience gained as the only commercially licensed LMDS operator in the United States, CellularVision submits that its proposed program of experimentation will contribute to the further development of the radio art and serve the public interest.

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[2] See Third NPRM, para. 70.

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Exhibit 2 (Question 6)
CellularVision of New York, L.P.

CellularVision of New York, L.P. proposes to use two antennas: (1) one antenna has a gain of 12 dB, is omni-directional in the horizontal plane and has an 8° degree beamwidth in the vertical plane; (2) the second antenna has a gain of 31 dB, with a 4° beamwidth in both the horizontal and vertical planes.