

Exhibit 1

Narrative Statement

The applicant herein, Dallas MDS Partners (“Dallas MDS”), is the licensee of MMDS station WMY464 in Dallas, Texas (“the Station”). The Station recently was granted a modification to add a digital emission designator. This allows downstream transmissions in digital format. A copy of the current permit is contained in File No. BMPMD-20010709AAJ.

Dallas MDS is interested in the potential use of the MDS channels for advanced communications services as described in the Commission’s 3G Report and Order. *Amendment of Part 2 of the Commission’s Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services*, ET Dkt No. 00258, FCC 01-256, 24 CR 880, 2001 FCC Lexis 5046 (Sept. 24, 2001)(hereinafter “*MMDS 3G Order*”), paras. 28, 32. The Commission has indicated that the existing MDS and ITFS service rules need to be revised to allow for advanced communications services, including so-called third generation mobile communications (“3G mobile services”).

The industry needs to conduct field tests of new technology and to provide the studies that will support an industry petition for new service rules, as contemplated by the Commission. *Id.* Dallas MDS wishes to be an active participant in this process and wishes to conduct tests of its own to attempt to further this process. As such, Dallas MDS respectfully submits this application to enable Dallas MDS to test and evaluate equipment advanced communications equipment from alternative vendors and to work with those vendors to modify and improve the performance thereof.

Geographic area: The service territory of MMDS station WMY464.

Frequency range: The frequencies licensed to MMDS station WMY464. Dallas MDS proposes to notify co-channel licensees in the area but does not propose to request consents as the operations will be conducted within the service area of WMY464. The notifications will provide a contact person and number for other licensees to report any interference they experience as a result of the Dallas MDS experimental operations.

Time period: two years.

Number of units of equipment: 100.

Description of equipment: Intentional radiators designed to provide digital, two-way, mobile, in-band operation in the MMDS/ITFS spectrum range. Dallas MDS wishes to test existing

equipment from existing vendors, as well as additional new equipment under development or that may become available during the test period.

Description of installations: The Dallas MDS transmitter site is co-located with adjacent channel MMDS and ITFS licensees in Dallas, Texas and, as such, downstream transmissions from this site should not cause harmful interference to other licensees. Repeaters and/or mobile units would be operated at other points within the Dallas MDS service territory to test the feasibility of providing digital, two-way, mobile, in-band service in the MMDS/ITFS spectrum range without harming existing fixed services.

Description of technical tests: Technical tests will be designed to attempt to address the Commission's stated goals of developing service rules that will allow the use of MMDS/ITFS spectrum for advanced communications services, including 3G mobile services, without harming existing fixed users. *MMDS 3G Order*, paras. 28, 32. As the Commission stated, "We recognize that, under current technology and service rules, fixed and mobile (other than portable) sharing of the 2500-2690 MHz band does not appear feasible, but we anticipate advances in technology that may permit such sharing." *Id.* at 32.

Description of marketing tests: Any equipment deployed to volunteer trial participants will be offered at no charge. Marketing information may be gathered regarding customer perceptions on ease of use and other system performance characteristics. Equipment will not be offered for sale to customers unless such equipment has been certified or verified by the responsible party.

Applicable rule parts: The tests involve MMDS frequencies that were redesignated for mobile, as well as fixed use, under Section 2.106 of the Commission's Rules. The existing rules governing MDS operations are set forth in Section 21.900 *et. seq.*, and those governing adjacent ITFS channel operations are set forth in Section 74.901 *et. seq.* The Commission contemplates a new rule making to establish service rules for the use of this spectrum for advanced communications services, including 3G mobile services. Section 2.803(e)(3)(ii) provides that an equipment manufacturer may test equipment, prior to certification or verification, "under the authority of a local FCC licensed service provider." To the extent that the equipment operates within the existing licensed parameters of MMDS station WMY464, this rule applies, otherwise this experimental license is requested to cover such operations as fall outside the scope of the existing license and service rules.