



Federal Communications Commission
Washington, D.C. 20554

MAY 26 1999

Gary M. Epstein, Esq.
James H. Barker, Esq.
Latham & Watkins
1001 Pennsylvania Ave., NW, Suite 1300
Washington, D.C. 20004-2505

Pantelis Michalopolous, Esq.
Steptoe & Johnson
1330 Connecticut Ave., NW
Washington, D.C. 20036-1795

Re: Diversified Communications Engineering, Inc.
Request for Experimental STA
Washington, D.C.
File No. 0094-EX-ST-1999

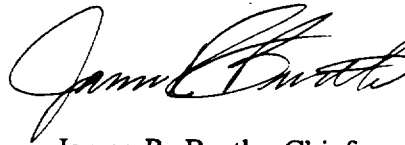
Dear Counsel:

On March 25, 1999, DIRECTV, Inc. ("DIRECTV"), a DBS licensee, submitted a letter to the Office of Engineering and Technology, opposing on two grounds the instant "Request for a Special Temporary Authorization," filed March 12, 1999, submitted by Diversified Communications Engineering, Inc. ("DCE"). First, DIRECTV argues that operations pursuant to DCE's STA request would cause harmful interference to DBS operations in the 12.2-12.7 GHz band in the Washington, D.C. area. Second, it claims that DCE has not shown a need to operate in the manner set forth in the STA request. On March 31, 1999, another DBS licensee, EchoStar Communications Corporation ("EchoStar"), submitted a letter also opposing DCE's STA request, and raising an additional concern. In particular, EchoStar states that some of its Washington, D.C. area subscribers may employ two satellite receiver dishes, each pointed at an EchoStar satellite station located at one of two separate orbital locations. As a result, EchoStar states that DCE will have to protect from harmful interference a more complicated DBS transmission and reception geometry than was the case in DCE's previous experiments in Austin and King Ranch, Texas (Station WA2XMY).

On April 5, 1999, DCE filed a technical supplement requested by the Commission's staff. Also, by letter filed April 6, 1999, DCE responded to the allegations of DIRECTV and EchoStar, averring that its technical operations will not cause harmful interference to DBS service in the Washington, D.C. area. DCE adds that, though they also opposed DCE's previous experiments in Texas, neither DIRECTV nor EchoStar has reported that any DBS customer experienced harmful interference as a result of those experiments. DCE anticipates that its proposed operations pursuant to its STA request will similarly not cause any harmful interference to DBS service.

We are granting DCE's request for STA. Neither DIRECTV nor EchoStar has persuasively shown that DCE's proposed operations carry a substantial risk of causing harmful interference. Based upon our review of the application as supplemented and the submissions of the parties, we find that DCE's request complies with the requirements of Section 303(g) of the Communications Act of 1934, as amended, 47 U.S.C. § 303(g), and Part 5 of the Commission's Rules, 47 C.F.R. Part 5. In addition, DCE's proposed experimentation will produce needed technical data that will better enable the Commission to make informed decisions in an ongoing rulemaking proceeding (ET Docket No. 98-206). In sum, we find that a grant of the STA in light of DCE's express commitment to cooperate with any DBS service provider to resolve any specific technical concerns it may have, and adherence to the provisions of Part 5 of the Rules, will permit DCE's experimentation to proceed without substantial risk of causing harmful interference to the DBS and will best serve the public interest.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Burtle". The signature is fluid and cursive, with the first name "James" being more prominent than the last name "Burtle".

James R. Burtle, Chief
Experimental Licensing Branch
Equipment Compatibility Division
Office of Engineering and Technology

cc: Eric C. Broyles, Esq.
Eric W. DeSilva, Esq.