

PAUL. WEISS, RIFKIND, WHARTON & GARRISON
1615 L STREET, NW WASHINGTON, DC 20036-5694

TELEPHONE (202) 223-7300
CSIMILE (202) 223-7420

JEFFREY H. OLSON
COMMUNICATIONS COUNSEL
(202) 223-7326

1285 AVENUE OF THE AMERICAS
NEW YORK, NY 10019-6064

199, BOULEVARD SAINT-GERMAIN
75007 PARIS, FRANCE

AKASAKA TWIN TOWER
17-22, AKASAKA 2-CHOME
MINATO-KU, TOKYO 107, JAPAN

SUITE 1910 SCITE TOWER
22 JIANGUOMENWAI DAJIE
BEIJING, 100004
PEOPLE'S REPUBLIC OF CHINA

13TH FLOOR, HONG KONG CLUB BUILDING
3A CHATER ROAD CENTRAL, HONG KONG

RECEIVED

APR 23 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

April 23, 1998

Via Hand Delivery

Mr. Paul Marrangoni, Chief
Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, N.W., Room 480
Washington, DC 20554

Re: **Experimental License WA2XMY,
File No. 5020-EX-PL-95**

6001-EX-RN-1998

Dear Mr. Marrangoni:

On January 8, 1998, Diversified Communication Engineering, Inc. ("DCE") submitted to your office a Progress Report on the above-referenced experimental license for its Northpoint system. Shortly thereafter, DCE forwarded copies of its Report to the International Bureau with reference to the satellite application of SkyBridge L.L.C. ("SkyBridge"), File Nos. 48-SAT-P/LA-97, 89-SAT-AMEND-97, and the Petition for Rulemaking filed by SkyBridge, RM No. 9147. Copies of DCE's cover letters to the International Bureau are attached.

In these letters, DCE stated that the SkyBridge system is mutually exclusive with Northpoint, and asked the Commission to withhold action on the SkyBridge Application. DCE's request was premised solely on its assertion that its experiments have established the technical feasibility of the Northpoint system.

SkyBridge has exhaustively reviewed DCE's Progress Report, and has found it to be fatally flawed in a number of respects. SkyBridge has described in detail the glaring errors and failures of the DCE tests in SkyBridge's Opposition to the Petition for Rulemaking filed by Northpoint Technology on March 6, 1998 (RM

No. 9245).^{1/} A copy of the SkyBridge Opposition is attached. In brief, the flaws in Northpoint's tests include the following:

- The performance of the DBS antenna used in the tests was not satisfactorily determined, thereby rendering the data meaningless. Northpoint inexplicably failed to replace defective equipment, confirm the integrity of the antenna used in its tests, or attempt to determine the cause of anomalous test results.
- Northpoint failed to explain significant inconsistencies in the link measurements. Despite a clear line of sight between the Northpoint transmitter and the DBS receivers, the received signal power measurements deviate from those expected. Northpoint's apparent inability to make simple on-axis measurements in clear line-of-sight conditions substantially undermines the validity of the other results presented.
- Northpoint failed to assess the implications of the difference in the results between the two DBS signals tested. Such sensitivity to the particular system being tested (if real, and not a result of testing flaws) means that the likelihood of interference to a DBS customer will depend not only on the location of the customer within the Northpoint beam, but on the particular DBS system used by the customer and the customer's location within the DBS service area.
- Northpoint appears to have ignored the worst-case interference to DBS systems. Northpoint did not attempt to determine the relative sensitivities of the transponders, channels, or the placement of the Northpoint signal within the channels, used in the tests. Nor did it test representative DBS azimuth or elevation angles.
- As Northpoint concedes, because multipath is absent, the King Ranch test site is not representative of actual DBS environments. This concession is an admission that no real-world conclusions can be drawn from the tests conducted to date.

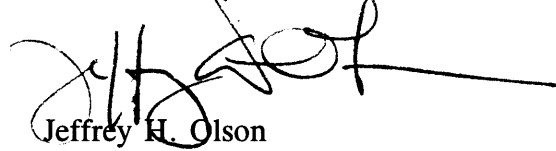
^{1/} We assume Northpoint Technology and DCE are one and the same.

Mr. Paul Marrangoni, Chief

3

Based on the defects pointed out by SkyBridge, no conclusions as to the feasibility of the Northpoint system can be drawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey H. Olson', with a long horizontal line extending to the right.

Jeffrey H. Olson
Attorney for SkyBridge L.L.C.

Attachments

cc: Richard E. Wiley, Esq.
R. Michael Senkowski, Esq.
Nancy J. Victory, Esq.
Eric W. DeSilva, Esq.
Wiley, Rein & Fielding

James F. Ireland, Esq.
Cole, Raywid & Braverman, L.L.P.

Ms. Regina Keeney
Chief, International Bureau
Federal Communications Commission