

DESCRIPTION OF APPLICATION

By the attached FCC Form 442, DTV Norwich, LLC (“DTV”) seeks authorization pursuant to Part 5 of the rules and regulations of the Federal Communications Commission (“FCC” or “Commission”) to test facilities in the band 12.2-12.7 GHz designed to provide multichannel video and data delivery services (“MVDDS”).

As the Commission is aware, DTV is the licensee of multiple stations in the MVDDS service, including the area covered by this request for experimental authorization. In support of DTV’s upcoming provision of MVDDS service, DTV wishes to test equipment designed to provide point-to-point service in the 12.2-12.7 GHz band. While DTV is licensed in the New York DMA, where it proposes to conduct tests, this authorization for experimental operations is required because the equipment proposed for testing is not yet approved for use under Subpart J of Part 2 of the FCC’s rules.^{1/}

Pursuant to the provisions of Section 5.63 of the FCC’s rules and Section 7 of the attached application, DTV provides the following information:

1. The complete program of research and experimentation proposed; description of equipment and theory of operation.

DTV will employ the experimental authorization to continue to assess the performance of MVDDS equipment in advance of commercial launch of MVDDS service. As the FCC is aware, the MVDDS service was established to provide direct-to-home/office wireless services. While one method of providing that service might be through a point to multi-point architecture with subscriber locations acting as the ultimate receive sites, DTV wishes to test the use of the band in another configuration. In particular, DTV wishes to test the potential use of the band for point to point transmission of wireless services from its facilities to a node location (in commercial operations, there would likely be multiple nodes). From the nodes, traffic would be carried on spectrum contemplated for so-called WiMax operations to subscriber locations. Simultaneously with the submission of this application, DTV has submitted a second application for experimental authorization, seeking the ability to test equipment in the band 3.4-3.7 GHz. Because a portion of this band (the 3.65-3.7 GHz band) is anticipated to be used domestically for

^{1/} DTV is currently owned (through intervening entities) by Cablevision Systems Corporation (“Cablevision”), a cable television operator in the New York City area. Because no commercial operations (i.e., provision of service to customers or potential customers) will be conducted under this experimental license, however, the MVDDS/cable cross-ownership limitations are not implicated by the grant of this experimental license. DTV selected the New York metropolitan area in which to conduct this experiment because it is near the Cablevision headquarters. However, even if DTV ultimately does not provide commercial services in the New York City area, the tests proposed here will assist DTV in the implementation of the 12.2-12.7 GHz band in other markets.

WiMax operations, DTV will use this test to emulate the provision of service using 12.2-12.7 GHz band together with the 3.4 - 3.7 GHz band to provide service to subscribers.

2. Specific objectives sought to be accomplished.

The testing proposed in this application will enable DTV to design MVDDS systems that provide the best possible service to potential customers with as little impact as possible to DBS receivers and Non-Geostationary Satellite Orbit Fixed Satellite Service (“NGSO FSS”) and Fixed Service (“FS”) operations. As the Commission is aware, its rules require that MVDDS licensees cause no harmful interference to these co-channel and adjacent channel licensees. By assessing the performance of the use of the 12.2-12.7 GHz in a point-to-point configuration, DTV can determine the circumstances under which interference may be caused to other licensees. Doing so will allow DTV to avoid, when it introduces commercial services, disruptions to the service it will provide to its customers based on the need to eliminate interference to DBS subscribers. The operations that DTV expects to conduct will demonstrate the viability for using the MVDDS spectrum for point-to-point service in connection with last mile delivery provided by spectrum intended for WiMax operations.

3. How the program of experimentation has a reasonable promise of contribution to the development, extension, expansion or utilization of the radio art, or is along lines not already investigated.

The proposed program of experimental holds great promise to contribute, develop, extend and expand the proposed use of MVDDS systems.^{2/} There are no commercially available MVDDS systems today. By permitting DTV to test this equipment, the FCC will permit it to begin assessing the best way to serve customers, while limiting the potential for interference to DBS operations.

^{2/} These tests are designed to validate the FCC’s expectations that MVDDS will likely be used for the delivery of video services as well as one-way high speed data (nonvideo) services. See Amendment of Parts 2 and 25 of the Commission’s Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range, *First Report and Order and Further Notice of Proposed Rule Making*, 16 FCC Rcd 4096, 4204-05 ¶ 289 (2000).

Protection of Co-Channel and Adjacent Channel Operations

As noted above, DTV is mindful that the FCC's rules governing the operation of MVDDS systems are designed to protect DBS, NGSO FSS and FS operations. DTV will operate the proposed MVDDS transmitters with very low output power (2.0 watts with a directional antenna). Therefore, it is unlikely that DTV will cause any harmful interference to DBS, NGSO FSS or FSS licensee. In any case, DTV does not propose to initiate commercial operations, and it hereby voluntarily agrees to comply with the technical standards contained in Subpart C of Part 101 of the FCC's rules. In addition, DTV is aware that in issuing experimental authorizations to others for use of the 12.2-12.7 GHz band, the FCC imposed certain conditions in order to protect DBS operations. DTV is willing to comply with similar conditions.

Should there be any questions regarding the application, the FCC is asked to contact counsel for DTV, Russell Fox of Mintz, Levin at 202-434-7483 or rfox@mintz.com.