

Exhibit 1 – Frequencies Requested

Listed below are the frequencies requested, in **kHz**:

3155 - 3400
4438 - 4650
4750 - 4995
5005 - 5450
5730 - 6200
6765 - 7000
7300 - 8100
9040 - 9995
10150 - 11175
11400 - 12050
13410 - 14000
14350 - 14990
15100 - 16360
17410 - 17900
18030 - 18068
18168 - 18780
18900 - 19680
19800 - 19990
20010 - 21000
21450 - 21924
22855 - 23200
23350 - 24890
25010 - 25070
25210 - 25330
25670 - 26100
26175 - 26480
26950 - 26960

Exhibit 2 – Test Plan and Public Interest Statement

By this application, Flash Comm, Inc. ("Flash Comm") seeks authority under Part 5 of the Commission's rules to engage in experimental tests to characterize high frequency ("HF") propagation. Flash Comm is currently authorized under Part 90 of the Commission's rules to provide a short burst communications service using channels in the HF band. While Flash Comm's Part 90 authorization and its derivative authority under Section 2.803 of the Commission's rules provide Flash Comm with a great deal of latitude to engage in tests related to its commercial system, such authority does not appear to extend to purely scientific collection of data regarding the HF band. Under the circumstances, Flash Comm is seeking an experimental authorization to utilize the HF spectrum shown in the attached frequency list for the purpose of testing propagation characteristics in the HF band.

Flash Comm was previously the licensee of experimental call sign KF2XHI, File No. 4913-EX-TC-95, which was returned to the Commission on October 16, 1998. Flash Comm's internal review of its experimental tests, undertaken as part of a due diligence review for a transfer of control of the company, at the time disclosed no activities that were not permitted either under its Part 90 authorization or its derivative authority under Section 2.803. To avoid the delay and expense of transferring what then appeared to be a superfluous experimental authorization, Flash Comm returned the license to the Commission. As Flash Comm's commercial launch draws nearer, however, Flash Comm has sought to undertake some additional testing that does not appear to fit within the contours of its existing Part 90 or Part 2 authority.

Specifically, Flash Comm seeks to utilize a small number (50) of mobile transmitters operating to provide data regarding the propagation characteristics of certain HF channels from regions around the country. Authorization of 50 units will permit Flash Comm to deploy roughly one unit per state across the continent to provide real world data on which frequencies are currently propagating. Because the units are intended to transmit on channels where propagation conditions are not known, however, the units cannot meet all of the conditions of operation under the Part 90 authorization. However, the units transmit at only 1 Watt ERP, as opposed to 10 W ERP for Part 90 operations; transmit in very short bursts similar to the commercial units; provide a call sign identifier; and, utilize the same waveform design as the commercial system, which is intended to minimize the potential for harmful interference to other transmissions. Flash Comm has estimated, based on its knowledge of the HF band and tests conducted under its prior experimental license, that the probability of interference to other systems is negligible.

In the future, Flash Comm's system will have sufficient mobile units in commercial operation dispersed across the country to build a more complete empirical database of propagating frequencies. However, at the early stages of launch, only a few mobile transmitters will be in operation, and therefore less data will be collected. Notably, the experimental units will not be full power and will not operate continuously, or even near continuously. These units would be triggered individually by Flash Comm's central network to test specific channels where propagation conditions are unknown. Operation of these units could thus be limited to an aggregate of no more than 2 seconds of transmitting time on any channel per 24 hour period.

Under the circumstances, Flash Comm now believes restoring its original experimental authorization would provide additional, desirable flexibility. Unfortunately, due to the transfer

of control of Flash Comm's ownership, seeking reinstatement is not a feasible option,¹ and the company has accordingly filed this application for a new experimental authorization. In all respects, however, the authority the company is seeking is identical to the Part 5 authorization previously granted to Flash Comm under its prior ownership.

¹ As disclosed in Flash Comm's transfer of control application relating to its Part 90 authorization, HVFM-II, which used to hold more than 50 percent of Flash Comm's voting and equity, was diluted to less than 50 percent of Flash Comm's ownership due to new investment. This new investment was closed on October 27, 1998. *See* File No. 9602D021443. Accordingly, the ultimate controlling party of Flash Comm's prior experimental authorization is no longer the ultimate controlling party of the company as it now exists.