

**Frequency Coordination Procedures for Experimental Testing
Supplemental Exhibit to Application, FCC File No. 0005-EX-ML-2002**

At the request of Commission staff, MDS America, Incorporated ("MDS America") submits this exhibit supplementing its pending application requesting modification of its experimental license, Call Sign WC2XPU. MDS America's previous experimental license was subject to the following coordination conditions with which the company complied during previous testing conducted in 2001 under Call Sign WC2XPU. MDS America intends to follow these conditions again upon grant of the pending modification application.

Existing Conditions, to Be Followed upon Grant of the Pending Modification Application:

- (1) Beginning two weeks prior to any test period, MDS America will publish a notice in the newspaper circulated in the area of the test, generally describing the test, the dates and times of testing, the potential for interference to be caused to DBS subscribers, and providing a phone number for DBS subscribers to call in case of interference.
- (2) Copies of the newspaper notice shall be sent to all DBS licensees with operations covering the United States in the 12.2-12.7 MHz band. The notice must be sent via certified mail to arrive not less than 5 days prior to commencement of testing.
- (3) MDS America must coordinate with all microwave licensees in the area in accordance with Sections 101.103(d) and 101.105 of the FCC rules prior to operation.
- (4) If a complaint of harmful interference is received by DIRECTV or EchoStar, the party receiving the complaint will notify MDS America. Both parties will make arrangements to visit the DIRECTV or EchoStar customer together for the purpose of determining if MDS America's tests are the source of the complaint. When at the customer's residence, on-off tests will be performed. If it is discovered that the MDS America tests are the source of the harmful interference, MDS America will cease testing immediately. MDS America will also cease testing immediately if harmful interference is detected by DIRECTV or EchoStar during their monitoring of MDS America's tests and confirmed by MDS America or by the Commission staff in the case of a dispute. Testing may not resume until MDS America has resolved the interference problem. No visit to a DIRECTV or EchoStar customer for the purpose of attempting to cure interference will be made by MDS America without prior notification by MDS America and a reasonable opportunity provided for DIRECTV or EchoStar to attend.
- (5) MDS America will notify Experimental Licensing Branch if it receives a harmful interference complaint.

- (6) If rain tests are planned, they shall be conducted under controlled conditions. Technical details of any rain tests will be submitted to the Commission's Office of Engineering and Technology ("OET") at least 1 week prior to beginning such tests.
- (7) MDS America will deliver a detailed test plan at least one week in advance to OET. Subsequent test plans will be provided with at least one week notice thereafter. The plans will include:
 - a. Periods of time the site will be transmitting.
 - b. Orientation of the transmitting antenna(s), including beam tilt if appropriate.
 - c. Center frequencies, bandwidths and transmitter power.
 - d. Periods of time that specific frequencies will be used.

In issuing a license under Call Sign WC2XPU, the Commission also provided that "Significant advance notice is not required for occasional schedule changes resulting from unanticipated testing requirements except when MDS America has scheduled a period during which it will not be conducting tests. Advance notice of one week is required before testing may begin during that period."

Additional Coordination Conditions to Be Met upon Grant of Commission Authority

In addition, as described in greater detail below, MDS America intends to take certain additional steps to ensure coordination with DBS system operators and to provide protection to DBS customers:

- (8) In advance of testing and coordination, MDS America will provide DBS system operators with a coverage map of the area to be covered by MDS America's test. This will allow DBS operators to identify the customers that could be impacted. MDS America does not desire to access DBS customer information; therefore, MDS America will only provide information to the DBS industry to allow them to contact their customers.
- (9) MDS America will work with the DBS industry to assist in customer notification, as the DBS providers prefer. For example, MDS America will assist the DBS providers in sending direct mailings to customers within the predicted coverage zone. These direct mailings would be content-coordinated with MDS America and would provide details of the testing and where to call if problems are identified.
- (10) MDS America will coordinate testing times with DBS providers in order to ensure that testing is not conducted during special event programming. Potential times for rain fade tests would be scheduled and agreed upon with the DBS providers in advance of such testing.

- (11) DBS customer service representatives will be given a direct telephone line to MDS America and its test supervisors, and will also be provided with the information necessary to assist in determining whether problems are, or are not, caused by the MVDDS signal. MDS America will implement procedures to quickly respond to DBS providers' complaints of interference and to identify the nature of the issue. Included in these procedures will be the ability to directly contact MDS America's testers who can perform "on/off" switching in real time with the customer and the DBS customer service representatives on the line.
- (12) MDS America welcomes observers from the Commission and from the DBS providers to view the MDS America systems and observe real-life tests.