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September 25, 2002

James R. Burtle
Chief, Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: *MDS America Inc. Application for Modified Radio Station Under Part 5 of
FCC Rules -- Experimental Radio Service, Call Sign WC2XPU,
File Nos. 0005-EX-ML-2002; 0063-EX-RR-2002***

Dear Mr. Burtle:

Northpoint wishes to point out two inaccuracies in MDS America's reply letter concerning its pending experimental application, which we received this morning.

First, MDS America inaccurately asserts that it has co-frequency terrestrial operations with the Eutelsat W2 satellite in the UAE. MDS Reply at 4. Bizarrely, the Internet link MDS America provides in support of this proposition leads immediately to a Web page that directly refutes that assertion and shows instead that Eutelsat W2 does *not* serve the UAE. A printout of the Web page is attached. Even if Eutelsat W2 did serve the UAE, the record would not support MDS's claim of co-frequency operations at 11474 MHz. The highest frequency MDS America operates on in the UAE is 34 MHz away, at 11440 MHz, as shown in attachment C to Northpoint's September 23 filing.

Second, Northpoint does not "purport to know, better than MDS America, what MDS America's antenna pattern should look like." MDS Reply at 2. On the contrary, Northpoint's detailed analysis is based on the antenna pattern MDS America itself supplied. Northpoint simply pointed out the discrepancy between the antenna pattern MDS America supplied and the PFD contours MDS America supplied.

Northpoint's solid technical analysis gives ample cause to deny the MDS application. MDS America *still* has not come forward with any information about how it will collect useful data and how it proposes to avoid harmful interference to Clewiston residents who live in areas where MDS America's EPFD will vastly exceed the Commission's limits. Accordingly, its application should be denied.

Mr. James Burtle
September 25, 2002
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Respectfully submitted,

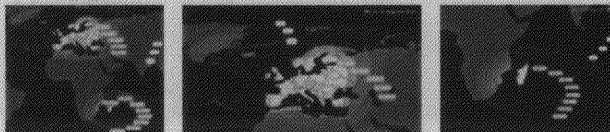
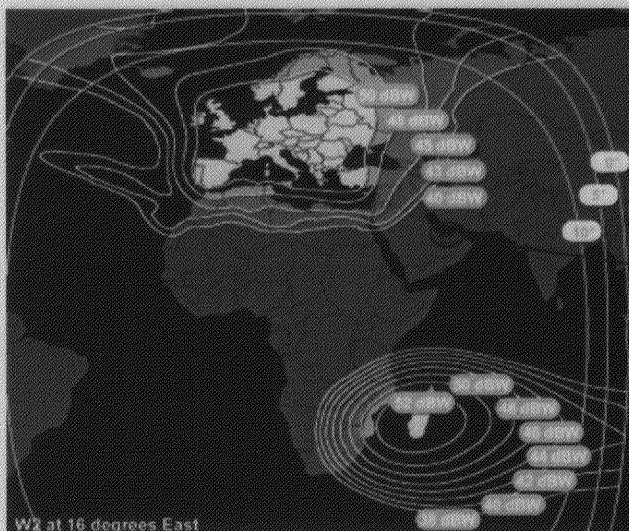
A handwritten signature in black ink, appearing to read "J.C. Rozendaal", with a long horizontal flourish extending to the right.

J.C. Rozendaal

Counsel for Northpoint Technology, Ltd.

Coverages
Downlink

16° East / W2



Print

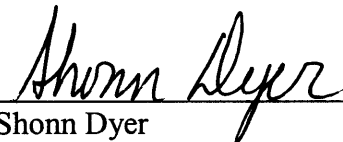
close window 

CERTIFICATE OF SERVICE

I hereby certify that, on this 25th day of September 2002, I caused copies of the foregoing to be served upon the parties on the attached service list by e-mail and by hand-delivery.

James R. Burtle
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