

Clarice Thompson

From: Charles Iseman
Sent: Wednesday, March 24, 2004 11:50 AM
To: Clarice Thompson
Subject: FW: MDS America Test Plan - WC2XPU

Clarice, please scan this e-mail into the ELS for Station WC2XPU, File No. 0005-EX-ML-2002. Thanks, Charles

-----Original Message-----

From: Charles Iseman
Sent: Friday, March 12, 2004 6:28 PM
To: Stockman, Jeanne; James Burtle
Cc: Disenhaus, Helen; peter@mdsamerica.com; jrozendaal@khhte.com; Douglas Young; Ira Keltz
Subject: RE: MDS America Test Plan - WC2XPU

Based on the representations below, specifically that MDS America has provided the required public notice, that rain testing will not be conducted during the requested waiver period, that the planned testing is substantially the same as testing previously authorized by the Commission, that the interference potential is low, and that additional public notice will be published for any testing in the May 1-15, 2004 time period, we hereby grant MDS America the limited waiver it seeks subject to operating conditions set forth in its authorization and to the condition precedent that it achieve mutually satisfactory coordination arrangements with the potentially affected DBS licensees.

Charles J. Iseman
Deputy Chief
Electromagnetic Compatibility Division
Office of Engineering and Technology
Federal Communications Commission

-----Original Message-----

From: Stockman, Jeanne [mailto:JWStockman@SWIDLAW.com]
Sent: Fri 3/12/2004 5:55 PM
To: James Burtle; Charles Iseman; Doug.young@fcc.gov
Cc: Disenhaus, Helen; peter@mdsamerica.com; jrozendaal@khhte.com
Subject: MDS America Test Plan - WC2XPU

All,

Attached is MDS America's test plan for additional operations pursuant to its experimental license, WC2XPU. Please note that, as currently drafted, operations are expected to commence under the test plan on March 15, 2004. MDS America understands that the terms of its experimental license require delivery of a test plan to OET at least one week prior to operations, and respectfully requests a limited waiver of this condition in this instance. Due to the substantial similarity of the proposed testing to past testing by MDS America and the low potential for interference, the fact that MDS America timely circulated publication notice for this testing, and the substantial expense MDS America would incur by delaying testing, MDS America respectfully requests a limited waiver.

The testing described in the attached plan is substantially the same as previous testing authorized by the Commission in 2003. Further, as with MDS America's 2003 testing, MDS America does not intend to conduct rain testing during the period for which it seeks a waiver. Thus, the risk of interference is extremely low. MDS America published notice of the testing in local newspapers pursuant to the terms of the experimental license in late January 2004. We note that the testing window MDS America included in this publication notice was from February 7, 2004 through April 30, 2004, but understand that any operations from February 7, 2004 through March 14, 2004 were for training purposes only, readying personnel to conduct the actual testing currently scheduled to begin March 15, 2004. MDS America will

3/24/2004

arrange a subsequent publication to cover testing from May 1, 2004 through May 15, 2004. Finally, if forced to delay testing after March 15, 2004, MDS America would incur significant expense. The company sincerely regrets the lateness of this submission, but believes a limited waiver is appropriate in light of the circumstances.

Our attempts to reach you this afternoon to discuss this matter were unsuccessful. We would appreciate an opportunity to discuss this matter further at your earliest convenience.

Regards,

Helen E. Disenhaus (202-424-7592 office; 202-277-8512 cell) and Jeanne W. Stockman (202-295-8392)
<<MDS-TEST.pdf>>

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