

Clarice Thompson

From: Charles Iseman
Sent: Tuesday, July 19, 2005 4:03 PM
To: jwstockman@swidlaw.com; pogagnier@swidlaw.com; jrozendaal@khhte.com
Cc: James Burtle; Anthony Serafini; Ira Keltz; Clarice Thompson
Subject: MDS America (WC2XPU) and Northpoint Application for Review
Clarice -- please scan this e-mail into the ELS files for WC2XPU, File Nos. 0005-EX-ML-2002 and 0063-EX-RR-2002. Thanks, Charles
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Dear Counsel:

As you are aware the U.S. Court of Appeals for the D.C. Circuit has ruled in *Northpoint Technology, Ltd. v. FCC*, Case No. 02-1194, decided July 15, 2005, and the U.S. Court of Appeals for the Federal Circuit has ruled in *Northpoint Technology, Ltd. v. MDS America, Inc.*, Case Nos. 04-1249 and 04-1295, decided June 28, 2005. Before the Commission undertakes the task of addressing the pending Application for Review, we would your responses to the following information requests. Please respond within seven (7) business days herefrom.

Ms. Stockman and Mr. Gagnier:

According to our records, the ERS authorization for WC2XPU expired on May 31, 2005 and the station has ceased operations. Please confirm whether this information is accurate.

Mr. Rozendaal:

In the event that the above is true, please indicate whether Northpoint wishes to pursue its Application for Review or instead wishes to withdraw it.

Sincerely,
Charles J. Iseman
Deputy Chief
Electromagnetic Compatibility Division
Office of Engineering and Technology
FCC

7/20/2005