

Clarice Thompson

From: Rozendaal, J. C. [jrozendaal@khhte.com]
Sent: Tuesday, July 26, 2005 11:33 AM
To: Charles Iseman; jwstockman@swidlaw.com; pogagnier@swidlaw.com
Cc: James Burtles; Anthony Serafini; Ira Keltz; Clarice Thompson
Subject: RE: MDS America (WC2XPU) and Northpoint Application for Review

Dear Mr. Iseman:

If it is true that the ERS authorization for WC2XPU expired on May 31, 2005, and the station has ceased operations, then Northpoint wishes to withdraw its Application for Review.

If you have any questions or desire further information, please do not hesitate to contact me. Best regards, J.C. Rozendaal

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

From: Charles.Iseman@fcc.gov [mailto:Charles.Iseman@fcc.gov]
Sent: Tuesday, July 19, 2005 4:03 PM
To: jwstockman@swidlaw.com; pogagnier@swidlaw.com; Rozendaal, J. C.
Cc: James Burtles; 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

.....
.....

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