

To: David Waitt
E-Mail: david@waitt.us
From: John Kennedy
Date: March 24, 2004

Subject: FCC File # 0130-EX-ST-2004

Message:

Dear Mr. David Waitt:

Please clarify your description in the 'Purpose of Operation' of the use of the 5.745-5.805 GHz band as a "5 GHz UNII mesh network backhaul". Is the 5.745-5.805 GHz band being used as a mesh network or exclusively as a fixed point-to-point UNII device(s) as described under 47 CFR, Part 15.407 (a) (3). Please note that under Part 15.407 (a) (3) it states that 'Fixed point-to-point operations exclude the use of point-to-multipoint systems, omni directional applications, and multiple collocated transmitters transmitting the same information.' Further, 'The operator of the U-NII device, or if the equipment is professionally installed, the installer, is responsible for ensuring that systems employing high gain directional antennas are used exclusively for fixed, point-to-point operations.'

The items indicated above must be submitted before processing can continue on the above referenced application. Failure to provide the requested information within 30 days of March 24, 2004 may result in application dismissal pursuant to Section 5.67 and forfeiture of the filing fee pursuant to Section 1.1108.

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