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March 12, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Attention: Geraldine A. Matise, Acting Chief, Policy and Rules Division
Office of Engineering and Technology

Re: Navini Networks, Experimental License
Call Sign WB2XJK
File No. 0133-EX-PL-2000

Dear Mr. Caton:

We represent Dallas MDS Partners ("Dallas MDS") in various matters, including its license of the MDS E-group station in Dallas, Texas, Call Sign WMY464. This letter shall serve as a formal complaint notifying the Federal Communications Commission (the "Commission") of certain experimental tests conducted by Navini Networks ("Navini"), resulting in interference to Dallas MDS' Call Sign, WMY464. In light of the foregoing, we respectfully request that the Commission order Navini to comply with its experimental license, Call Sign WB2XJK and obtain the consent of MDS and/or ITFS licensee(s) in Navini's area of operation, namely Dallas MDS. *See Navini experimental license copy attached hereto as Attachment A.*

On June 6, 2000, pursuant to Part 5 of the FCC Rules, Navini applied to the Commission for an experimental license to use and operate certain radio transmitting facilities for the purpose of testing Customer Premise Equipment and Base station tolerance to RF characteristics. *See Attachment B hereto, copy of Navini Form 442.* As set forth in Line 4(A) of Navini's application, Navini discloses a proposed frequency range of 2,596 - 2,685 MHz, occupying the E-, F-, G- and H-group channels. *Form 442, Line 4(A).* As noted above, Dallas MDS currently occupies the E-group channels (E1, E2, E3 and E4).

Moreover, as set forth in Lines 5(a) - 5(d) of Navini's Form 442 application, the above-referenced radio transmitting facilities consist of both base and mobile transmitters/transmitter

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antennas. *See Form 442, lines 5(a) - 5 (d).* As noted in its application, Navini's exact area of operation is "Richardson, Texas; 30 mile radius." *See Form 442, line 5(c).* Dallas MDS uses a Multipoint Distribution Service Station in Dallas, Texas, approximately 13.2 miles from Richardson, Texas, well within Navini's 30-mile radius of operation.

A frequency monitoring company is used by Dallas MDS to monitor interference to its station. The monitor reported interference to the station prior to June, 2001. As a result of this report, Dallas MDS contacted other MDS operators in the area to attempt to determine the cause of the interference, but could not locate the cause. Dallas MDS recently learned that its monitoring company went into Chapter 11 and ceased monitoring the station in approximately June, 2001, although Dallas MDS continued to receive and pay monthly invoices from the monitoring company. Thus, it is quite possible that the station has continued to suffer from interference that has not been reported by the monitoring company.

Dallas MDS recently learned from another MDS operator that on October 12, 2001, Navini sent a letter regarding its experimental operations to each MDS and ITFS licensee within its operating area. *See Navini Letter copy attached hereto as Attachment C (addressee redacted).* The foregoing letter states that Navini was granted an experimental license "to begin testing an experimental wireless Internet access system using MMDS channel F2 (2,615 MHz) in Richardson Texas on October 17, 2001." *See Navini Letter.* The letter instructs those licensees desiring to contact Navini regarding its experimental testing do so within two days. Dallas MDS did not receive this letter in October, 2001, nor did it receive notice of the Navini application and license in any other form, until a local MDS operator recently advised Dallas MDS of the Navini license and operations.

The Commission's Experimental Radio Station Construction Permit and License granted to Navini Networks on October 12, 2000, contains the following condition: "Consent of MDS and/or ITFS licensee(s) is required to avoid interference."¹ Dallas MDS, an MDS licensee within Navini's area of operation, never received notification of Navini Networks' intended testing. Consequently, Dallas MDS did not have an opportunity to consent or object to such testing. In light of the interference to Dallas MDS' Call Sign, WMY464, Dallas MDS presently does not, and would not have as of the date of Navini's letter; consent to Navini's experimental testing.

Title 47, Section 5.111(a)(2) of the Code of Federal Regulations states, in relevant part:

¹ Likewise, §5.85(c) of Title 47 of the Code of Federal Regulations states that, "[f]requency assignments will be made *only on the condition that* harmful interference will not be caused to any station. . . ." 47 C.F.R. §5.85(c) (emphasis added).

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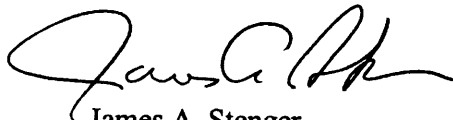
When transmitting, the licensee must use every precaution to ensure that the radio frequency energy emitted will not cause harmful interference to the services carried on by stations operating in accordance with the Table of Frequency Allocations. . . . If harmful interference to an established radio service develops, the licensee *shall cease transmissions* and such transmissions shall not be resumed until it is certain that harmful interference will not be caused.

47 C.F.R. §5.111(a)(2).

At this time, Dallas MDS is not requesting that the Commission order Navini to cease transmissions. Rather, we respectfully request that the Commission order Navini to comply with its license and obtain the consent of MDS and/or ITFS licensee(s) in Navini's area of operation, including Dallas MDS.

Should additional information be necessary in connection with this matter, kindly communicate with the undersigned.

Sincerely,



James A. Stenger

Enclosure

cc: Dr. Guanghan Xu, President, Navini Networks