

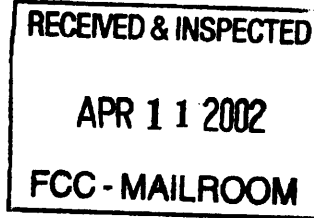
FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
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April 9, 2002

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WB2XJK
0008-EX-ML-
File No. 0133-EX-RZ-2002

Re: Complaint filed by Dallas MDS Against Navini Networks, Inc.



Dear Mr. Iseman:

BOSTON
DALLAS
DELAWARE
NEW YORK
SAN DIEGO
SILICON VALLEY
TWIN CITIES
WASHINGTON, DC

This is in reply to the "formal complaint" letter of March 12, 2002, from Dallas MDS concerning the activities of our client Navini Networks, Inc. The complaint states 1) that experimental tests on the MMDS F Group channels conducted by Navini resulted in interference to Dallas MDS station WMY464 (E Group) and 2) that Navini did not comply with the terms of its experimental license (WB2XJK) because it did not seek the consent of Dallas MDS before beginning its tests.

According to the complaint, Dallas MDS received a single report of interference to its system sometime "prior" to June, 2001, from an un-named frequency monitoring company that subsequently went bankrupt and ceased providing reports. There is no indication of the origin of this interference, how it was detected, exactly when it occurred, or what type of interference was experienced, much less whether it might be considered, "harmful" interference under the Commission's rules. Further, Dallas MDS has not even supplied the report of the monitoring company from which some of this information might perhaps be gleaned. Then, with what must admittedly be considered unassailable (however peculiar) reasoning, the complaint goes on to suppose that in the absence of further reports from the bankrupt frequency monitoring company, "it is quite possible that the station has continued to suffer from interference that has not been reported by the monitoring company." Although any radio station might suffer interference over any span of time, generally, the station operator has some sense that it is happening. To suppose that it might possibly have been happening cannot satisfy even the lowest threshold of what is required in a "formal complaint."

Charles Iseman
April 9, 2002
Page 2

Whatever scant evidence of interference may exist, there is no reason to assume that Navini's experimental operations were in any way responsible. In fact, since Navini did not begin transmissions until December 12, 2001, whatever interference Dallas MDS claims to have been told about by its monitoring company at least six months earlier could not have been caused by Navini and there is no reason whatsoever to believe that any interference that Dallas MDS might be experiencing now is being caused by Navini.

It is instructive that Dallas MDS states that it is not seeking that Navini be ordered to cease transmissions, but only that it be made to seek transmission consent from Dallas MDS. The obvious reason for this forbearance is that Navini is not causing any interference and Dallas MDS knows it and knows further that it has offered the Commission no basis on which to order Navini to cease transmissions.

As for the matter of obtaining consent, as condition of Navini's experimental license ((WB2XJK) granted on October 12, 2000, Navini was to obtain the "consent of MDS and/or ITFS licensees...to avoid interference."¹ Out of an abundance of caution, Navini dutifully obtained consent from licensees within 135 miles of Richardson, Texas. It was, and still is Navini's reasonable interpretation of this condition, confirmed with the Commission's staff, that consent was to be obtained from co-channel, not adjacent channel licensees. Dallas MDS has shown no reason why Navini did not act reasonably.

Navini chooses not to speculate on the motive for the Dallas MDS complaint. It could certainly not have been to prevent some pattern of continuing interference, because 1) Dallas MDS has admitted it has no idea of whether it's system is experiencing interference and 2) the only inkling it ever had of an interference problem from somewhere was months before Navini began its test transmissions. Whatever the real motive for the complaint, it is surely without

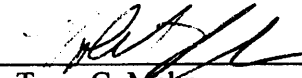
¹ See Attachment I. It should be noted that on March 18, 2001 the Commission issued Navini a revised license permitting the use of additional frequencies.

FISH & RICHARDSON P.C.

Charles Iseman
April 9, 2002
Page 3

merit and, in fact, appears frivolous. Navini urges the Commission to dismiss the complaint forthwith.

Respectfully submitted,



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