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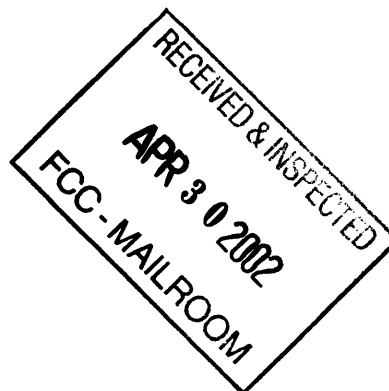
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April 26, 2002

Charles Iseman
Deputy Chief
Electromagnetic Compatibility Division
Office of Engineering and Technology
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20445



Re: Complaint filed by Dallas MDS Against Navini Networks, Inc.
Experimental License WB2XJK



BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Mr. Iseman:

This letter responds to a March 28, 2002 letter, sent on behalf of Dallas MDS concerning the issue of whether, pursuant to the condition on its experimental license, Navini properly obtained consent from MDS and/or ITFS operators. Navini has only recently obtained this letter and takes this opportunity to reply.

Dallas MDS takes issue with what it believes to be the staff's position that Navini satisfied the license condition by notifying and obtaining consents from co-channel licensees. Citing regulations in Part 21, Dallas MDS argues that consents should also have been obtained from adjacent channel licensees.

The emphasis on Part 21 regulations obscures the fact that Navini did not obtain a Part 21 license but rather an experimental license under Part 5. The considerations are obviously different. A license under Part 21 is a grant of authority to provide a communications service on a continuing basis. There are no restrictions on length of transmissions or on the purpose of transmissions. In a licensed service, interference disputes can be complicated to resolve because both parties have equities and there are orderly, time-consuming administrative processes that must be endured. Under such circumstances, because it is desirable to avoid the administrative process to resolve interference issues **in advance**, it is natural that there is a specified technical standard that MDS licensees must meet to prevent interference to operations on adjacent channels.

But experimental licensees operate under different standards. They may not provide a communications service (unless specifically permitted to do so) or any service of a continuing nature (Sec. 5.83(a)). Their operation is restricted only to the experimental purpose for which the license was granted (Sec. 15.111(a)). They may cause no interference to others. Should there be interference, regardless

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of whatever technical parameters an experimental system might meet, transmissions must cease (Sec. 15.11(b)) and the staff has the authority to halt experimental transmissions at any time (See Section 5.83(b)).

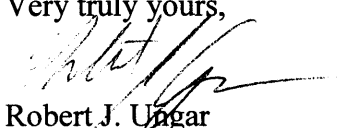
Based on the foregoing, Navini believes the staff would be entirely correct to find that Navini had no obligation to obtain consents from adjacent channel licensees prior to operation.

Moreover, it must be emphasized that there still has been no evidence of interference provided by Dallas MDS. In its March 28 letter, Dallas MDS merely concludes that because the Navini transmitter is not co-located with the Dallas MDS transmitter, Navini's transmissions "will result" in harmful interference. But it is not axiomatic as Dallas MDS apparently presumes that merely because transmitters are not co-located, there will be interference. Were that the case, the Part 21 regulations would mandate co-location, and they do not. As we explained in our March 2002, reply to the Dallas MDS complaint, the original allegation of interference is based on information obtained six months before Navini's experimental transmissions began. Thus, however possible it may be that there can be interference, and whatever presumptions Dallas MDS has made, there is simply no evidence of interference.

Naturally, as an experimental licensee, Navini is sensitive to its obligations under the rules and has committed itself to experimental activities that are benign to its neighbors. Should Navini become aware that it has interfered with any licensed service, including Dallas MDS, it will – as it must under the rules – immediately cease operations until it has resolved the problem.

In the meantime, however, Navini requests that the Commission expedite its consideration of the instant complaint and dismiss it forthwith.

Very truly yours,



Robert J. Ungar

cc: James Stenger
Carl Huie
Brian Sutton
James Burtle