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May 1, 2002

Mr. Charles Iseman
Deputy Chief
Electromagnetic Compatibility Division
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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MAY - 1 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Dear Mr. Iseman:

We are responding to both letters filed by Navini Networks, Inc. ("Navini") on April 9 and April 26, 2002. At the time Navini counsel filed their first letter, they had only seen the first of two letters filed by Dallas MDS Partners ("Dallas MDS"). The Dallas MDS letters were served directly to Navini prior to the time Navini's counsel made their appearance in the matter. Dallas MDS has now seen both of Navini's letters and Navini counsel has now seen both of the Dallas MDS letters. Accordingly, this letter should be treated as Complainant's reply and should close the "pleading" cycle, although Dallas MDS would welcome such further Commission inquiry and participation as would help to resolve this matter.

Request for Information Attached hereto is a copy of a letter that Dallas MDS, through counsel, sent to Navini, through counsel, requesting information that would be helpful to evaluate the effect that Navini's operations would have on an adjacent channel licensee. This letter follows up on counsel's discussions. We would appreciate it if the Commission would hold this matter in abeyance and await and not dismiss the complaint until Dallas MDS receives a response to this request and has an opportunity to review it.

Dallas MDS Experimental Application Navini takes the position that the MDS service rules are intended to apply to permanent licensees and that the experimental license rules are

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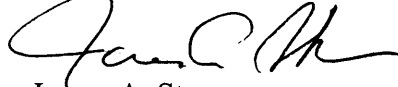
addressed to a different purpose. Navini further takes the position that it should be permitted to continue to conduct its experimental operations in order to advance the technology of the industry, unless its operations are shown to cause actual interference to Dallas MDS.

The Commission has adopted interference rules appropriate to each class of service, such as TV, FM, AM, MDS, and ITFS, among others, based upon propagation studies that led to predictions as to the potential for harmful interference that would result from co-channel and adjacent channel operations at various parameters. Complainants are entitled to rely upon the Rules and are not required to go into the field and conduct empirical studies to demonstrate interference from operations that are not in compliance with the Rules. Such a requirement would render meaningless the general propagation studies conducted by the Commission and its promulgation of rules of general applicability.

However, Dallas MDS also recognizes that the existing MDS and ITFS service rules need to be revised to allow for two way mobile operations as contemplated by the Commission's Order in the 3G proceeding. *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services*, ET Dkt No. 00258, FCC 01-256, 24 CR 880, 2001 FCC Lexis 5046 (Sept. 24, 2001), paras. 28, 32. The industry needs to conduct field tests such as Navini's to develop new technology and to provide the studies that will support an industry petition for new service rules for the MDS/ITFS band. *Id.* Dallas MDS wishes to be an active participant in this process and wishes to conduct tests of its own to attempt to further this process. As such, Dallas MDS further requests that this matter be held in abeyance pending the processing of an application for an experimental license that Dallas MDS will be filing shortly.

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

Respectfully submitted,



James A. Stenger

cc: Robert J. Ungar, Esq.