

FEDERAL COMMUNICATIONS COMMISSION
Office of Engineering and Technology
Electromagnetic Compatibility Division

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Re: Navini Networks, Inc.
Call Sign WB2XJK

Dallas MDS Partners "Complaint"
filed March 12, 2002

Dear Counsel:

Before us for consideration is the complaint filed March 12, 2002 by Dallas MDS Partners ("Dallas MDS"), licensee of MDS E-group Station WMY464, Dallas, Texas, against Navini Networks, Inc. ("Navini"), licensee of Experimental Radio Station WB2XJK, Richardson, Texas.¹ Station WB2XJK uses certain MDS frequencies for its experimental operations. Dallas MDS claims that certain experimental tests conducted by Navini using MDS frequencies have resulted in interference to the operations of Station WMY464. In support of its claim, Dallas MDS states:

A frequency monitoring company . . . used by Dallas MDS . . . reported interference to [WMY464] prior to June, 2001. . . . Dallas MDS . . . could not locate the cause [of the interference, but] recently learned that its monitoring company went into Chapter 11 and ceased monitoring [WMY464] in approximately June, 2001. . . . Thus, it is quite possible that [WMY464] has continued to suffer from interference that has not been reported by the monitoring company.

Dallas MDS does not request the Commission to order Navini to cease transmissions. Instead, after becoming aware that Navini had sent coordination and consent letters to nearby MDS F-group licensees but not to it, Dallas MDS requests that the Commission require Navini to obtain the consent of Dallas MDS to the experimental operations.

¹ Dallas MDS' complaint was filed in the form of a letter addressed to the Secretary of the Commission and requests consideration as a "formal complaint" against Navini. Experimental Radio, however, is not a radio service to which the public notice requirement of 47 U.S.C. § 309(b) applies; hence, only informal pleadings have historically been applied to it. Therefore, we shall treat Dallas MDS letter as an informal complaint pursuant to 47 C.F.R. § 1.41.

As documented in Dallas MDS' subsequent letter of March 28, 2002 to the Commission, the engineering staff of the Experimental Licensing Branch determined that Navini's operations were not in the MDS E-group of frequencies co-channel to WMY464, but were in the adjacent F-group of frequencies. Based on this distinction, the staff determined that Navini was not required to obtain Dallas MDS' consent to the experimental operations. Dallas MDS asserts that the staff erred in this determination, because MDS applicants are required pursuant to rule Section 21.902(a) to "make exceptional efforts to avoid harmful interference to other users and to avoid blocking potential adjacent channel use in the same city and cochannel use in nearby cities." 47 C.F.R. § 21.902(a).

Navini opposes the Dallas MDS complaint, pointing out that the interference allegation is both extremely vague in details and concerns events that transpired prior to December 12, 2001, when Navini began its experimental transmissions.² Navini also asserts that, as an Experimental Radio licensee, it is not required to obtain consents from adjacent channel licensees prior to operation.³

For the reasons that follow, we find that Dallas MDS has not raised a substantial and material question of fact as to whether Navini's experimental operations have caused any harmful interference to Dallas MDS' service, and deny its complaint. Its allegations are short on detail, and, as to the one instance of alleged interference upon which it relies, it does not challenge Navini's assertion that this event occurred before Navini began any experimental transmissions.

Also, we find that the license condition placed on Navini requires it to obtain consent from only *co-channel* MDS or ITFS licensees, and not adjacent channel licensees. Navini's license, as are all Experimental Radio licenses, is issued only on condition that the experimental operations not cause harmful interference to regular services, and is subject to immediate cancellation if the experimental operations cause such harmful interference.⁴ Given this overarching condition, and because experimental operations typically use considerably less power than regularly licensed operations, tend to be intermittent, and follow a pre-approved operational plan, we do not find it necessary to require Navini to obtain the consent of adjacent channel MDS licensees in order to assure that harmful interference will not occur.

Accordingly, IT IS ORDERED that the complaint filed by Dallas MDS Partners on March 12, 2002 IS DENIED.

Sincerely,



Charles J. Iscman
Deputy Chief
Electromagnetic Compatibility Division

² Navini letter, dated April 9, 2002, to Deputy Chief, Electromagnetic Compatibility Division ("EMCD").

³ Navini letter, dated April 26, 2002, to EMCD.

⁴ See 47 C.F.R. §§ 5.85(c), 5.83, and 5.111(a)(2).