

From: "Taylor, Russ C." <RCTaylor@Mintz.com>
To: "Carl Huie" <CHUIE@fcc.gov>
Date: 11/15/01 10:29AM
Subject: RE: 74-EX-ML-01

Hi Carl, here are our responses to your questions:

The applicant has requested authorization to conduct market studies to accommodate 60 participants, but a grant of 50 would be acceptable to Tantivy.

The equipment to be used in the trial remains experimental and title to that equipment will remain with Tantivy. The equipment will not be offered or sold to the general public. The operation of RF devices under these circumstances is permitted by FCC rule section 2.803, which governs the marketing of unapproved RF devices.

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Tantivy is operating on the C Block under its existing FCC experimental authorization. The Commission recently reaucted the C-Block frequencies and Verizon Wireless was the high bidder for that license. However, Verizon has not been awarded a license yet due to legal issues surrounding the well-publicized problems of Nextwave Communications. Thus, while Tantivy is committed to operating its experimental facilities in a secondary, non-interfering manner, there is currently no danger of harmful interference to other C Block users in the area.

I trust that the foregoing is responsive to your inquiry. Tantivy is eager to commence its trial, and would appreciate the Commission's favorable action on its application in an expedited manner. Please let me know if you have any other questions.

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-----Original Message-----

From: Carl Huie [mailto:CHUIE@fcc.gov]
Sent: Tuesday, November 06, 2001 1:47 PM
To: INTERNET:rtaylor@mintz.com
Subject: 74-EX-ML-01

What is status of equipment with respect to authorization/approval? Can applicant tolerate 50 units? Under what authority is Tantivy operating on "C" block in Melbourne?