



American Telecommunications Certification Body Inc.
6731 Whittier Ave, McLean, VA 22101

September 15, 2003

RE: FCC ID: POZCPEMDS004324

Attention: Juan Martinez

I have a few comments on this Application.

1. Please note that while certain frequencies in Part 21 K exist on a shared basis with certain frequency allocations in Part 74 I, certification of any particular device must meet the intent and criteria for the specific part being applied. Please note that this MDS application under part 21K does not appear to meet the Part 74 Subpart I—Instructional Television Fixed Service. Please note that while 21.901 states shared frequencies exist, it also states that the licensing (and thus certification) is done under part 21 or part 74 of the Commission's Rules, as applicable. Since this is an MMDS client premises equipment for the purpose of data transfer over the network, it should be certified and subsequently licensed under part 21K not part 74 I. If the device is an instructional television fixed service device, please provide evidence of how this rule part applies.
2. FYI - no action needed. Please note that the term 'intentional radiator' is generally used for reference to a part 15 device. Since this is a licensed device it should be designated as a transmitter or licensed transmitter instead of an 'intentional radiator'.

A handwritten signature in black ink that reads "Dennis Ward".

Dennis Ward

<mailto:dward@AmericanTCB.com>

The items indicated above must be submitted before processing can continue on the above referenced application. Failure to provide the requested information may result in application termination. Correspondence should be considered part of the permanent submission and may be viewed from the Internet after a Grant of Equipment Authorization is issued.

Please do not respond to this correspondence using the email reply button. In order for your response to be processed expeditiously, you must submit your documents through the AmericanTCB.com website. Also, please note that partial responses increase processing time and should not be submitted.

Any questions about the content of this correspondence should be directed to the sender.