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March 28, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Attention: ~~Geraldine A. Matise~~ ^{Bromery} Acting Chief, Policy and Rules Division
Office of Engineering and Technology

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

Dear Mr. Caton:

This letter is in reference to a March 19, 2002 telephone conference between the undersigned and the Staff regarding the above-referenced matter. By letter of March 11, 2002, Dallas MDS Partners ("Dallas MDS") advised the Commission that Navini Networks ("Navini") had not obtained the consent of Dallas MDS for its experimental operations and that those operations appeared to have caused interference to Dallas MDS' station, Call Sign, WMY464. By telephone conference on March 19, the Staff advised that it would take no action on the matter on the grounds that Navini is operating on the F Group and, therefore, in the Staff's view, the consent of Dallas MDS is not required.

Dallas MDS respectfully disagrees with the Staff's conclusion as being inconsistent with Commission Rules, policies and practices regarding MDS and ITFS adjacent channel operations. It is well established that MDS and ITFS stations broadcasting on adjacent channels must be co-located to avoid harmful interference. When stations are not co-located, harmful interference results from adjacent channel operations with a stations protected service contour. Navini is not co-located with Dallas MDS. Therefore, Navini's adjacent channel operations will result in harmful interference and the consent of Dallas MDS is required.

The responsibilities of adjacent channel licensees to incumbent adjacent channels are well-established in the MDS rules. Section 21.902 (a) of the Rules states, in relevant part, that:

All applicants, conditional licensees, and licensees shall make exception efforts to avoid harmful interference to other users and 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. In areas where major cities are in close proximity, careful consideration should be given to minimum power requirements and to the location, height, and radiation pattern of the transmitting antennae. . . .

47 C.F.R. §21.902(a) (emphasis added).

Further, Section 21.902 (b)(4) of the Rules states, in relevant part, that:

. . . each applicant, conditional licensee, and licensee is required to. . . [e]ngineer the station to provide *at least* 0 dB of adjacent channel interference protection within the 56.33 km (35 mile) protected service area of any authorized. . . or incumbent MDS station. . . .

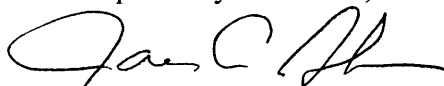
47 C.F.R. §21.902(b)(4) (emphasis added). Consequently, it is clear that later applicants owe adjacent, incumbent MDS stations protection and if not co-located, must obtain consent.

Dallas MDS is an incumbent MDS station whose 35 mile protected service area encompasses Navini's transmitters. As set forth in our previous letter, the Dallas MDS station is located in Dallas, Texas, approximately 13.2 miles from Richardson, Texas, well within Navini's 30-mile radius of operation. Consequently, Navini must engineer its station to provide at least 0 dB of adjacent channel interference protection to Dallas MDS. Navini is unable to meet the foregoing adjacent channel signal level requirement unless they are co-located with Dallas MDS' E Group channel. Because Navini is transmitting from another site inside Dallas MDS' designated service area, Navini does not meet the necessary adjacent channel signal level requirements.

In light of the foregoing, Dallas MDS respectfully renews its request to the Commission that it require Navini to comply with its license and obtain the consent of Dallas MDS for Navini's experimental operations.

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

Respectfully submitted,



James A. Stenger

cc: Dr. Guanghan Xu, President, Navini Networks
Mr. Carl Huie, OET