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Magalie Roman Salas, Secretary
Federal Communications Commission
Washington, D.C. 20554

**RE: Petitions for Rulemaking:
RM-9911 and RM-9920**

Dear Mrs. Salas,

Digital Broadcast Corporation (“DBC”) hereby opposes the petitions for rulemaking recently filed in the above-captioned proceedings.

DBC is a nationwide provider of digital wireless television and high-speed wireless Internet service to mid-sized markets. Our principal partners in this venture are educational institutions who hold ITFS licenses. By means of channel lease arrangements which are uniquely beneficial to educators, made possible because of DBC’s proprietary 10:1 digital compression technology, our educator-partners are finally positioned to implement their educational services in tandem with today’s most sophisticated technological resources.

Reaching this juncture — which we believe represents a truly remarkable cooperative effort between DBC and its ITFS partners — has required enormous energy, creativity, time, and a very significant financial commitment. We have worked assiduously to resolve an array of issues, from interference questions to the optimum choice of state-of-the-art studio equipment, whose solution today presents the brightest and most encouraging prospects for educators dedicated to putting technology in the ITFS spectrum to its highest and best use. Our relationships with educators are an important and noteworthy example of the very synergy that Chairman Kennard and his colleagues have repeatedly urged — namely, corporate and educator partnerships which are at once commercially viable and extraordinarily beneficial to the public.

The petitions lodged in the subject rulemaking proceedings — which virtually ignore the presence of educators in the targeted spectrum — would, if granted, create chaos where order finally has arrived, and arrived in no small part by dint of the FCC’s own resolute initiatives.
Magalie Roman Salas

August 25, 2000
Page Two

That senseless state of affairs would manifest itself in various forms that could not possibly be defended as rational. For instance, the two-way rulemaking proceeding, whose complexities took the FCC the better part of the 1990s to work through, has recently culminated in the filing of applications for new wireless broadband, two-way services. The digital declaratory ruling — again, a product of Promethean effort on the part of both the FCC and the wireless cable industry — has today made possible, as a regulatory matter, the unique benefits of digital transmission, soon to be *de rigueur* in the wireless industry. Other recent regulatory initiatives designed both to monitor competition in the broadband sectors and the video distribution markets, and to spur such competition, have been hallmarks of this Commission's vision over the past few years.

Yet, the wholesale spectrum re-assignments urged in the petitions would work disruptions of such magnitude that the FCC's initiatives in these areas would, in that event, accurately be viewed as having been rescinded, rendering null and void literally years of effort by the FCC, educators, and private industry. The proponents of the rulemakings urge the restructuring they advocate as necessary for the next steps in the evolution of global wireless platforms. But it has been forethought and planning of precisely that nature which has been the animating force behind the strides that private industry, educators, and the FCC have made to bring users of the ITFS spectrum to the position they now occupy. That forward momentum is more critical to the ongoing development of broadband innovations than is the restructuring the petitioners seek, but it will be eviscerated if the petitions are granted.

For these reasons, we strongly urge the FCC to deny the petitions for rulemaking in the captioned proceedings.

Respectfully submitted,

Ronald D. Maines
Vice-president, Legal &
Regulatory Affairs
DIGITAL BROADCAST CORPORATION