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Bob Pallé  
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### **Verizon Avenue**

Laurel Dent / Monty Gaden

### **WSNet**

Mark Sherman

October 22, 2001

Peter A. Tenhula, Esq.  
Senior Legal Advisor  
Office of Chairman Powell  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

RE: **Ex Parte Presentation, IB Docket 98-172**

Dear Peter,

Previously we have discussed the International Bureau Rulemaking, Docket No. 98-172, and its potential negative implications for the ability of Private Cable Operators (PCOs) to utilize microwave transmission in MDUs. Subsequent to that, the counterproductive grandfathering provision in the NPRM which had virtually stopped PCO use of that radio spectrum was withdrawn. Thereafter, the Report & Order which was adopted June 8, 2000 did not intrude upon the PCO use of the 18 GHz spectrum, and in fact stated Commission understanding that PCO use of microwave transmission is an important component of video competition. In fact, Chairman Powell supported the adoption of the Report & Order.

This of course was a decision strongly opposed by Hughes Network Systems because they wanted control of that radio spectrum, totally dislodging PCO utilization. They then filed motions for reconsideration. Based on recent ex parte filings submitted by Hughes, we understand they have communicated with Chairman Powell urging a dramatic reallocation of the 18 GHz spectrum which clearly would disrupt if not terminate PCO microwave transmissions and give Hughes the use of the entire amount of spectrum they sought prior to the issuance of the International Bureau NPRM. That request was then rejected by the Commission in the Report & Order.

IMCC continues to urge Chairman Powell to support a position consistent with the Report & Order which recognizes the importance

## **Independent Multi-Family Communications Council**

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of PCO video competition which is facilitated by its current use of the radio spectrum. IMCC's previous filings, listed below, amplify our view in this regard.

Because of the importance of this issue, if you believe it advisable, we would be pleased to further communicate with you or the Chairman.

Best regards,

A handwritten signature in cursive script that reads "Bill".

William J. Burhop  
Executive Director

IMCC Filings:

- Nov. 13, 2000 – IB 98-172, Opposition to Petition for Reconsideration
- Nov. 17, 1999 – IB 98-172, Ex Parte Presentation
- Dec. 21, 1998 – IB 98-172, Reply Comments
- Nov. 19, 1998 – IB 98-172, Comments
- Nov. 5, 1998 – IB 98-172, Emergency Request for Immediate Relief