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FEDERAL COMMUNICATIONS COMMISSION  
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September 18, 2002

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-A325  
Washington, DC 20554

Re: **Notice of Oral Ex Parte Presentation**  
ET Docket No. 00-258; IB Docket No. 01-185; ET Docket 95-18;  
WT Docket No. 02-55

Dear Ms. Dortch:

On September 17, 2002, Joel Brick of Sioux Valley Wireless, Kim Egan of SkyCable TV of Madison, Thomas N. Knippen of W.A.T.C.H. TV and I met with Commissioner Kevin J. Martin, Samuel L. Feder, D'Wana R. Terry, Ramona E. Melson, Scott D. Delacourt, Herbert W. Zeiler, Mary Shultz, Stephen T. Zak, Alexis D. Johns, Peter A. Tenhula, Bryan Tramont and John Branscome of the Federal Communications Commission.

During the meetings, each of the three company representatives described Internet access and data services currently provided or planned over MDS channels 1 and 2A. Concern was expressed by all three over any spectrum reallocation proposals that would affect such operations on channels 1 and 2/2A. Each representative commented on potential disruption to business and residential customers in the event of a reallocation. Nevertheless, if the Commission were to reallocate the channels, the companies requested a plan for reasonable compensation and an adequate transition time to migrate customers to other suitable spectrum. Each company expressed concern that any substitute spectrum made available by the Commission be suitable for use by the companies to offer Internet access and data services, and that any interference avoidance measures that may be required of the companies at such alternative spectrum be paid for by others benefitting from the measures and the reallocation. Finally, it was requested that the Commission, in the event of a reallocation affecting MDS channels 1 and 2/2A, make clear that compensation paid for discontinuance of operations satisfy the operator/manager of the spectrum that incurred costs to provide service on the

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channels in addition to costs incurred by the licensee of the channels where such licensee is not the operator/manager.

Very truly yours,



David L. Nace

cc: Hon. Kevin J. Martin  
Samuel L. Feder  
D'Wana R. Terry  
Ramona E. Melson  
Scott D. Delacourt  
Herbert W. Zeiler  
Mary Shultz  
Stephen T. Zak  
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