

The MICHAEL KELLEY REVOCABLE TRUST u/d/t/ 5-18-94

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MICROWAVE TELEVISION
WHT 629, WLK 242, WMY 489
In MARTINSBURG, W.VA., &
WNEY 445, WASHINGTON, D.C.

220 MHZ MOBILE RADIO
WPCV 414 & WPCX 590
SHANNONDALE, W.VA.

Ms. Marlene Dortch, Secretary
The Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C., 20554

November 8, 2002

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FCC-MAILROOM

Dear Ms. Dortch:

IN RE RM-10586; DA 02-2732 Comments on Proposal to Revise
MMDS and ITFS Service Rules.

I am the sole trustee of The Michael Kelley Revocable Trust, d/b/a Shannondale Wireless, an MDS Licensee utilizing the H-1 Channel in Washington, D.C. (WNEY 445) and holding construction permits for MDS 1, 2, and H-1 in Martinsburg, West Virginia (WHT 629, WLK 242, and WMY 489). These three West Virginia stations are currently built and operational in Shannondale, West Virginia.

H-1 in Washington was formerly leased to WorldCom and their many predecessors for use in their multi-channel video business. It is now carrying MSNBC for patrons of George Mason University's Capitol Connection television service in Washington, D.C. MDS 1, 2, and H-1 were once used in a small but failed multi-channel video business in the Shenandoah Valley, and MDS 1 was used for a number of years by the Jefferson County Public Schools. These three stations are now leased to nTelos for deployment in their two-way broadband voice, video, and data service planned for the Winchester, Martinsburg, and Hagerstown markets just west of Washington, D.C.

nTelos has not deployed this service yet because of the complexity of current licensing rules regarding two-way deployment in the 2.5 GHz band, because of the many disadvantages of first generation two-way equipment, and because the 2.5 GHz band as currently interleaved is not conducive to the roll out of 2nd generation equipment.

I am writing in this Comment period to strongly support the Proposal, filed on October 7, 2002 by the WCA, the National ITFS Association and the Catholic Television Network. I support it despite the fact that if adopted, **we will no longer be able to transmit high power downstream video on any of the "H" channels.** I support it because if adopted, this Proposal **will** pave the way for nTelos and other commercial partners to provide two-way fixed, portable, and mobile broadband services utilizing our channel along with other channels in each market. In my opinion, the Proposal has been carefully and thoughtfully crafted to provide all incumbents in this spectrum band with the best of both worlds,

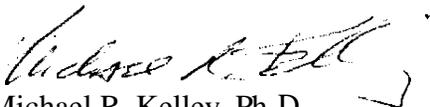
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Marlene H. Dortch, Pg. 2

Seldom does a Spectrum Policy Proposal come along that is so clearly a "win-win" situation for everyone who is currently licensed in this band. Though as "H" channel licensees, we will lose our current video operations if the Commission adopts the current Proposal, we will be winners in this scenario because we gain access to unencumbered de-interleaved spectrum **for** our own use or for shared uses with commercial partners. If the Commission adopts this Proposal, each H Channel licensee will also gain an "I" channel that was never before available. Non-Commercial ITFS operators with whom we share this band will enjoy continued access to their video operations as well as access to a large block of de-interleaved spectrum for their own use or for shared uses with commercial partners. benefits.

This proposal does a wonderful job of balancing everyone's best interests. The Michael Kelley Revocable Trust, d/b/a/ Shannondale Wireless sincerely hopes that the FCC will move quickly to adopt these proposals so that users of this spectrum can continue **to** provide their current valuable services and additional fixed, portable and mobile broadband services can quickly be made available to the American public.

Respectfully submitted,


Michael R. Kelley, Ph D
Trustee, Sole Proprietor

cc: Charles M. Oliver
Qualex International