

EX PARTE OR LATE FILED

# ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

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# ORIGINAL

May 28, 2004 **RECEIVED**

MAY 28 2004

*Via Courier*

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: EX PARTE SUBMISSION  
WT Docket 03-66; Amendment of Parts 1, 21, 73, 74, and 101 of the  
Commission's Rules to Facilitate the Provision of Fixed and Mobile  
Broadband Access, Educational and Other Advanced Services in the  
2150-2162 and 2500-2690 GHz Bands**

Dear Ms. Dortch:

On May 27, 2004, John Hearne, Kenneth Horowitz, Nicholas Mastrorilli, and Henry Zachs, each of NY3G Partnership ("NY3G"), formerly Grand MMDS Alliance New York F/P Partnership, Darryl DeLawder of DeLawder Communications, Inc., engineering consulting firm, and Bruce Jacobs and Tony Lin, each of Shaw Pittman LLP, counsel to NY3G, met with Stacy Fuller and Jennifer Manner, Legal Advisors to Commissioner Abernathy, regarding the above-referenced proceeding.

NY3G explained its plan to provide wireless broadband service to the New York City area, its efforts to do so over the years, and its inability to resolve through negotiations interference issues with the grandfathered co-channel ITFS licensee. NY3G reiterated the proposals in its Comments and Reply Comments filed in this proceeding for resolving co-channel problems under any new rules. NY3G also urged the Commission, consistent with its 1983 order "freezing" incumbent ITFS operations on the E and F group channels, to establish clearly that such licensees or their lessees will have no new rights to additional protection under any new rules.

Attached are materials distributed at the meeting.

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Marlene H. Dortch

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Please direct any questions regarding this matter to the undersigned.

Very truly yours,



Bruce D. Jacobs

Tony Lin

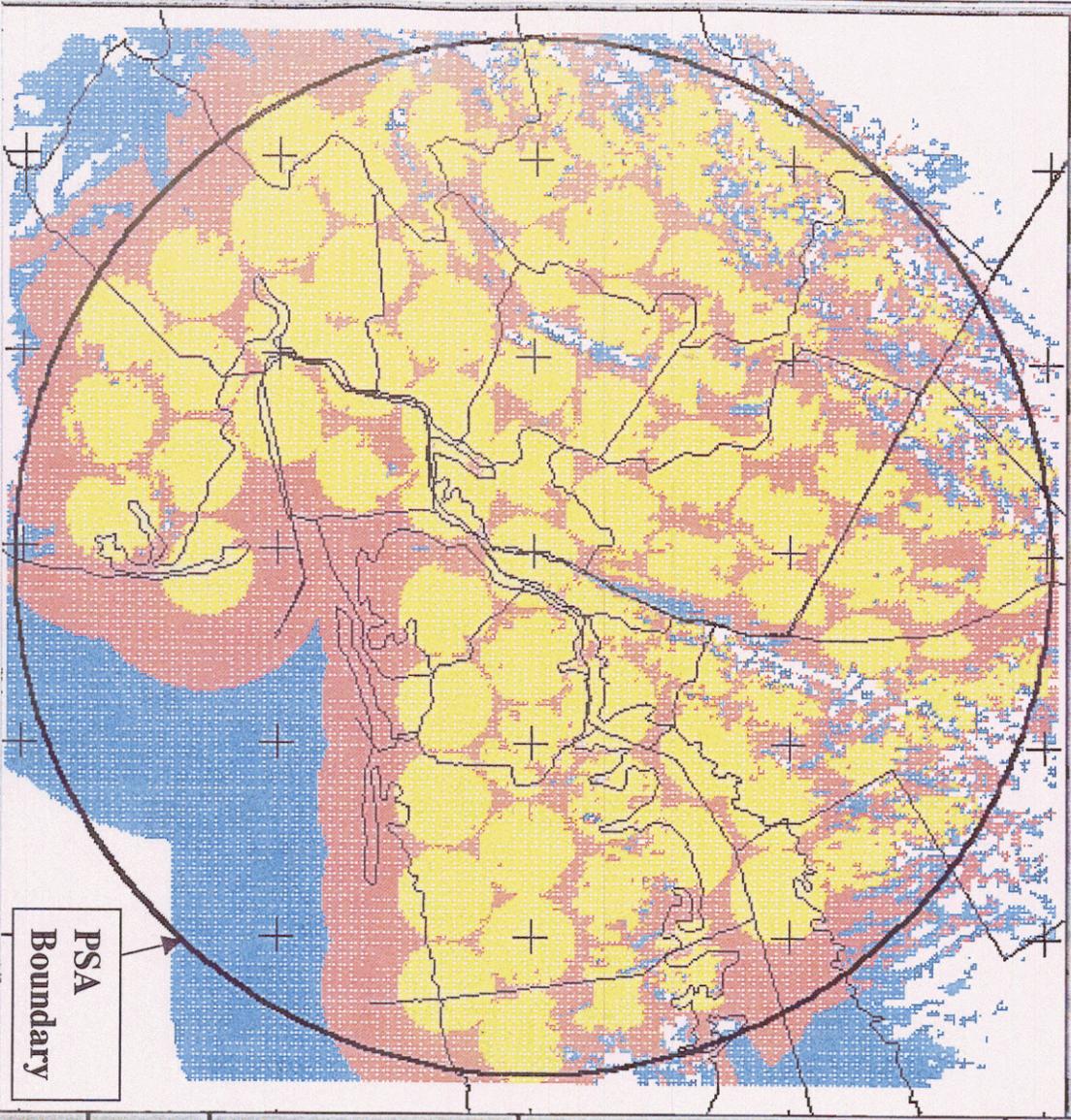
*Counsel for NY3G Partnership*

## Attachments

cc: *(without attachments)*  
Stacy Fuller, Esq.  
Jennifer Manner, Esq.

39027-0000

Document #: 1405394 v.1



1st: No server      2nd: No server

**PSA Boundary**

**MSITE™: NY Two Way Fig 1.map**

Prop. model: Free Space + RMD  
 Time: 50.0%    Loc: 50.0%  
 Prediction Confidence Margin: 0.0DB  
 Climate: Continental Temperate  
 Groundcover: USGS-EDX  
 Atmospheric Abs.: none  
 K Factor: 1.333  
 RX Antenna - Type: OMNI  
 Height: 1.5 m AGL    Gain: -2.15 dBd

Received power at remote

>	-70.0 dBmW	-70.0 dBmW
>	-80.0 to	-70.0 dBmW
>	-90.0 to	-80.0 dBmW
<	-90.0 dBmW	

Min.: receiver threshold level: -106.3 dBmW

**Notes**

2000 CENSUS POPULATION RESULTS:  
 Total within PSA: 15,741 K  
 >70 dBmW (yellow): 10,534 K (66.9%)  
 >80 dBmW (yellow, red): 15,243 K (96.8%)  
 >90 dBmW (yellow, red, blue): 15,616 K (99.2%)

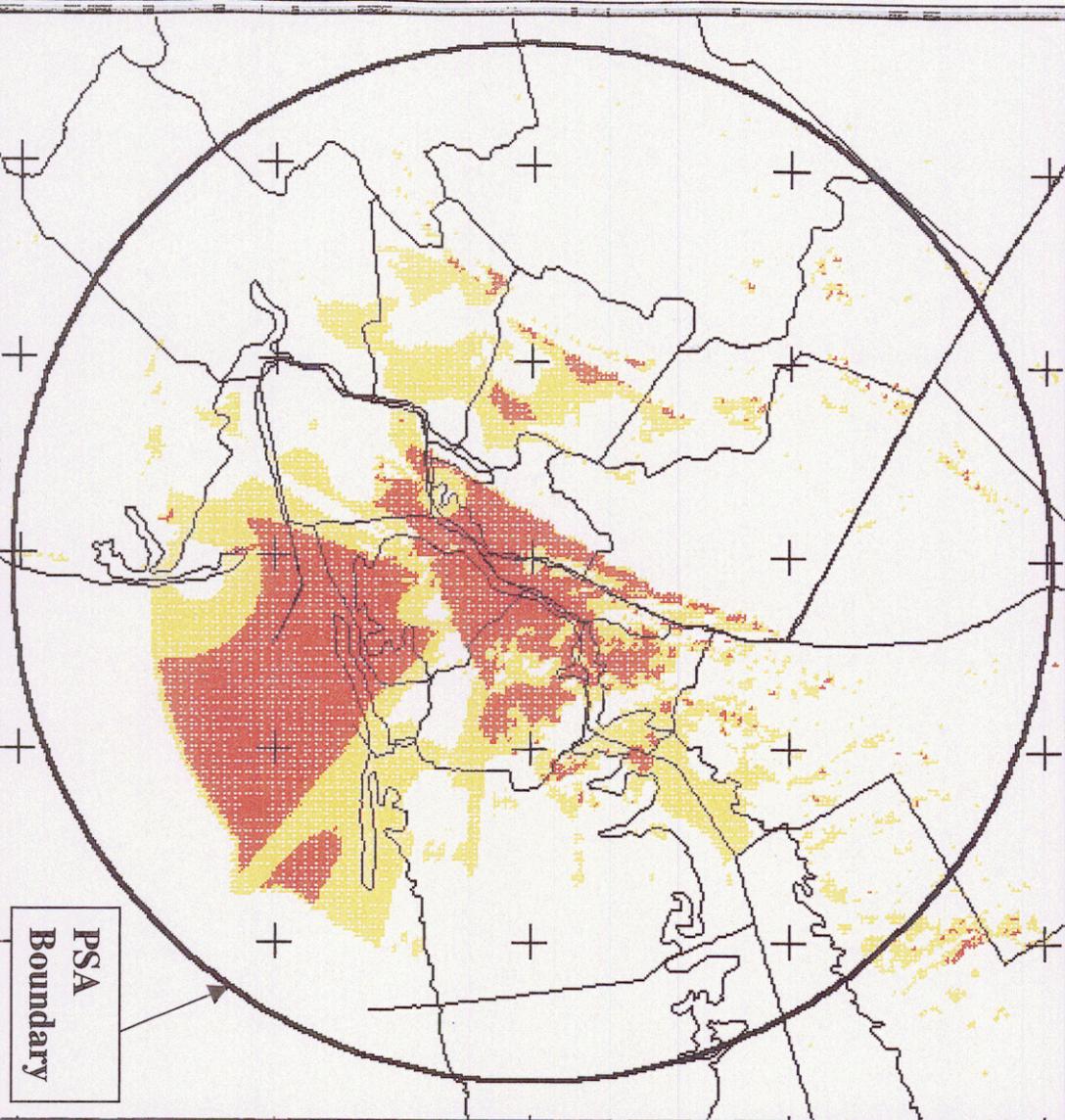
\* Yellow corresponds to 256-QAM service  
 Red corresponds to 64-QAM service  
 Blue corresponds to 16-QAM service



**Advanced Wireless Broadband Design**

84-Site Coverage Analysis      May 26, 2004

FIGURE 1



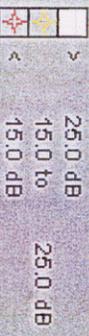
1st: No server

2nd: No server

PSA Boundary

MSITE.m: NY\_Two\_Way.map

Prop. model: Free Space + RMD  
 Time: 50.0% Loc.: 50.0%  
 Prediction Confidence Margin: 0.0dB  
 Climate: Continental Temperate  
 Groundcover: USGS-EDX  
 Atmospheric Abs.: none  
 K Factor: 1.333  
 RX Antenna - Type: OMNI  
 Height: 1.5 m AGL Gain: -2.15 dBd  
 C/I ratio group: 1 TXs to group 2 TXs



Min. receiver threshold level: -90.0 dBm/W

Notes

**MIMDS F-GROUP CO-CHANNEL INTERFERENCE**  
 \* Yellow and red areas are predicted areas of co-channel interference to the 84-site MIMDS two-way design from TVC's Grandfathered ITFS F-channel stations  
**INTERFERENCE POPULATION (Census 2000):**  
 Total Within PSA: 15,741 K  
 > 64-DBM Interference (yellow, red): 8,523 K (54.1%)  
 > 16-DBM Interference (red): 4,703 K (29.9%)



Advanced Wireless Broadband Design

Interference From TVC F-Group Lites

FIGURE 2

May 26, 2004