

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

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May 28, 2004

EX PARTE OR LATE FILED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Via Courier

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, 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 Sheryl Wilkerson, Legal Advisor to Chairman Powell, and Eric Gunning, Intern, 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.

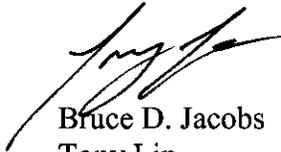
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Please direct any questions regarding this matter to the undersigned.

Very truly yours,



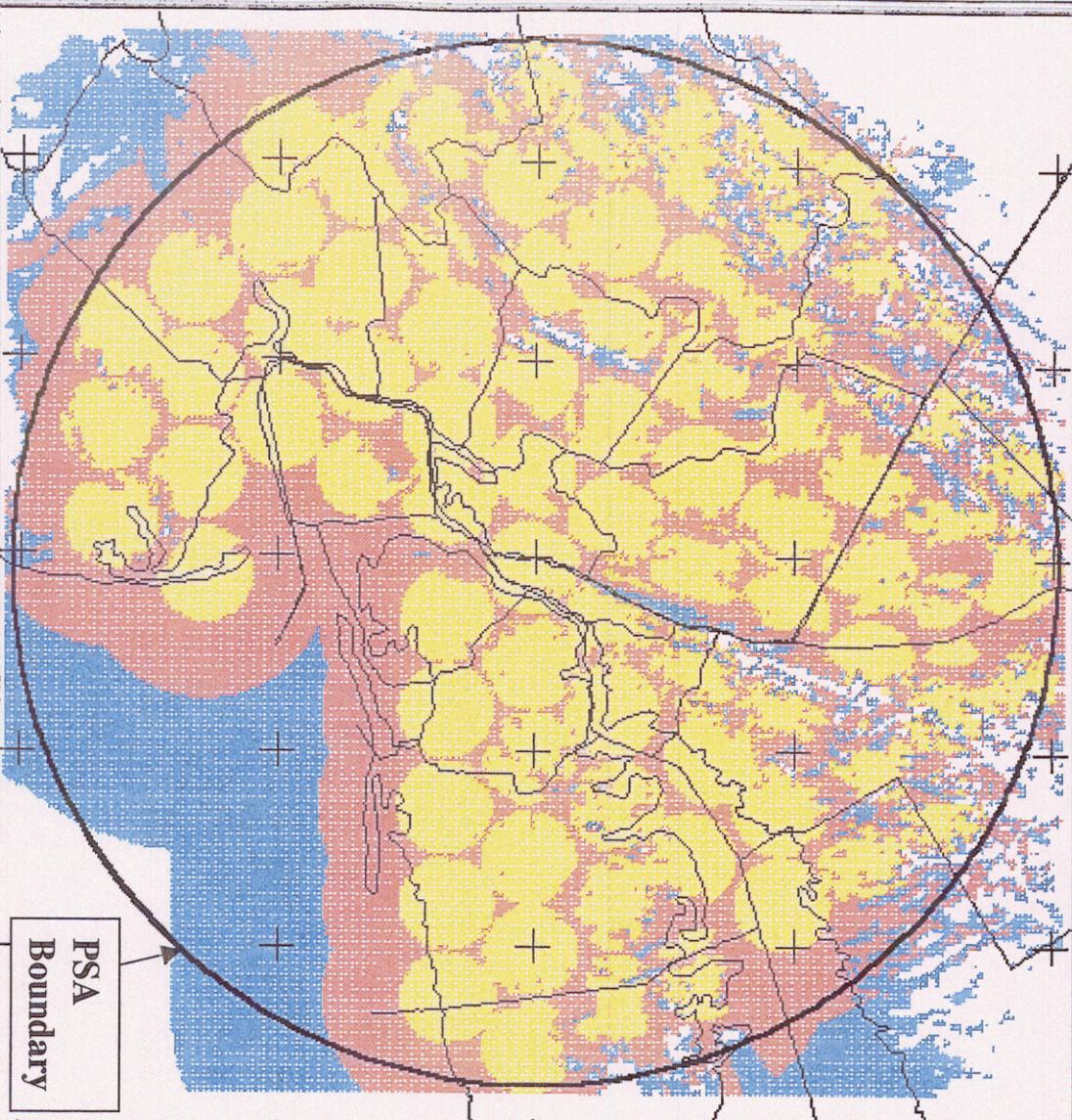
Bruce D. Jacobs
Tony Lin
Counsel for NY3G Partnership

Attachments

cc: *(without attachments)*
Sheryl Wilkerson, Esq.
Eric Gunning

39027-0000

Document #: 1405480 v.1



1st: No server

2nd: No server

PSA Boundary

MSITE™: NY Two Way Fig 1. map

Prop. model: Free Space + RIMD
 Time: 50.0% Loc.: 50.0%
 Prediction Confidence Margin: 0.0dB
 Climate: Continental Temperate
 Groundcover: USGS-EDX
 Atmospheric Abs.: none
 K Factor: 1.338
 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	-90.0 dBmW
	-90.0 to	-106.3 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%)

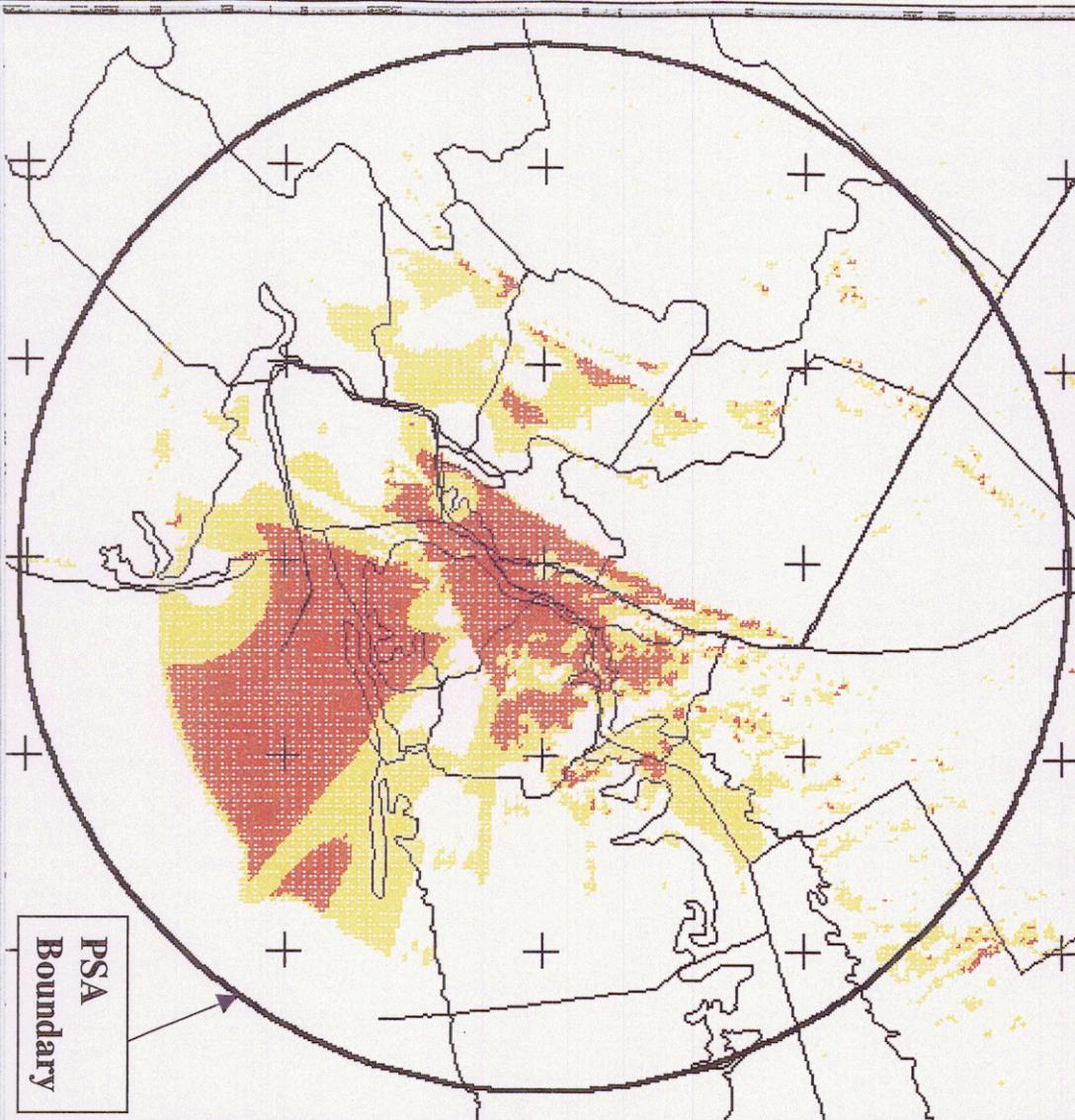
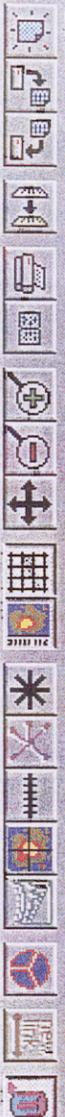
* Yellow corresponds to 256-QAM service
 Red corresponds to 64-QAM service
 Blue corresponds to 16-QAM service



Advanced Wireless Broadband Design

84-Site Coverage Analysis
 May 26, 2004

FIGURE 1



PSA Boundary

1st: No server 2nd: No server

MSITE(m) Legend

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
 Call ratio group: 1 TXs to group 2 TXs

>	25.0 dB
15.0 to	25.0 dB
<	15.0 dB

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 TVCs Grandfathered ITFS F-channel stations

INTERFERENCE POPULATION (Census 2000):

Total within PSA: 15,741 K
 > 64-QAM Interference (yellow, red): 8,523 K (54.1%)
 > 16-QAM Interference (red): 4,703 K (29.9%)



Advanced Wireless Broadband Design

Interference From TVC F-Group Lites

FIGURE 2

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