

EX PARTE OR LATE FILED

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September 28, 2004

Via Courier

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

RECEIVED

SEP 28 2004

Federal Communications Commission
Office of Secretary

**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 September 27, 2004, John Hearne, Nicholas Mastrorilli, and Henry Zachs, each of NY3G Partnership ("NY3G"), Darryl DeLawder of DeLawder Communications, Inc., an engineering consulting firm, and Bradley Holmes, a consultant, met with Commissioner Kathleen Abernathy and Jennifer Manner regarding the above-referenced proceeding.

NY3G talked about its current efforts to provide wireless broadband service to the New York City area. The parties discussed the proposals in the Commission's *Further Notice of Proposed Rulemaking*, and NY3G's ongoing negotiations with Trans Video Communications, Inc., the grandfathered ITFS licensee in New York City. The parties also discussed the proposals that NY3G had previously raised in this proceeding, including the assignment of low-power channels to MMDS licensees and high-power channels to grandfathered ITFS licensees.

Attached is a copy of the diagram distributed at the meeting.

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Please direct any questions regarding this matter to the undersigned.

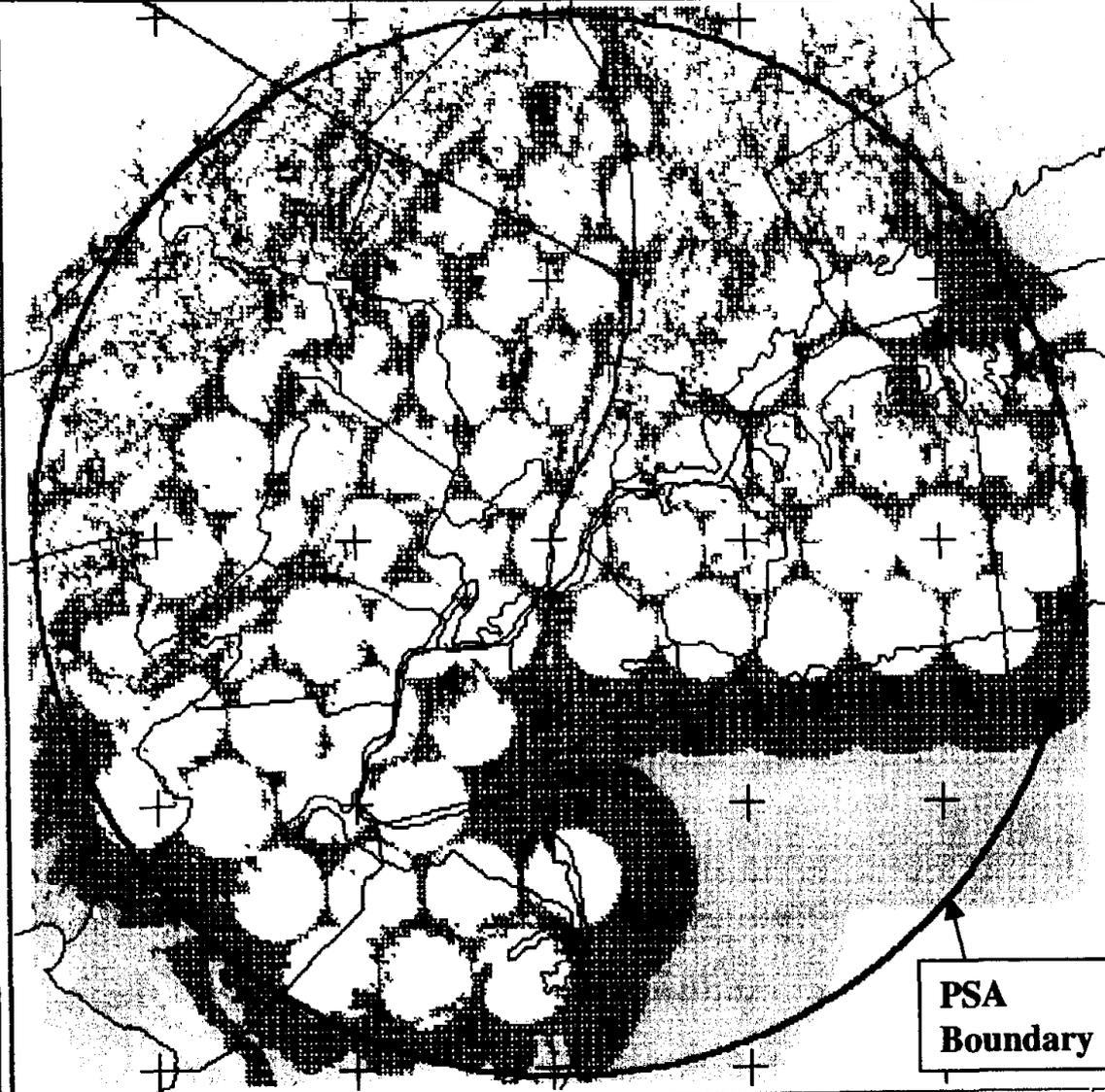
Very truly yours,



Tony Lin
Counsel for NY3G Partnership

Attachment

cc: *(without attachment)*
Commissioner Kathleen Abernathy
Jennifer Manner



PSA Boundary

1st: No server

2nd: No server

MSITE(tm) Legend

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
- 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

FIGURE 1

May 26, 2004