

Charlie Coburn

PEPPER & CORAZZINI

L. L. P.

ATTORNEYS AT LAW

1776 K STREET, N.W., SUITE 200

WASHINGTON, D.C. 20006

(202) 296-0600

GREGG P. SKALL
E. THEODORE MALLYCK
OF COUNSEL

FREDERICK W. FORD
1909-1986

TELECOPIER (202) 296-5572

INTERNET PEP@COMMLAW.COM

WEB SITE HTTP://WWW.COMMLAW.COM

VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER GUTMANN
JOHN F. GARZIGLIA
ELLEN S. MANDELL
HOWARD J. BARR
MICHAEL J. LEHMKUHL *
SUZANNE C. SPINK *
MICHAEL H. SHACTER
PATRICIA M. CHUH
LEE G. PETRO *

* NOT ADMITTED IN D.C.

April 21, 1998

RECEIVED

APR 21 1998

Federal Communications Commission
Office of Secretary

Federal Communications Commission
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Request for Special Temporary Authority to
Use Non-Type Accepted Analog Microwave Booster
Transmitter FCC ID: CHP8BUHPB250-A

FCC LABORATORY

APR 20 11 59 AM '98

Dear Sir or Madam:

On April 17, 1998, Communication Microwave Corp. ("Comwave"), filed an application on FCC Form 731 for type acceptance approval for Comwave's model HPB250 multi-carrier analog booster system for television transmission under Parts 21, 74, and 101 of the Commission's Rules. This equipment had been ordered by Wireless One, Inc. ("Wireless One") for use in its state-wide wireless microwave distribution system in the state of Mississippi.

Unfortunately, Wireless One, Inc., is required to commence service in the near future on behalf of its Instructional Fixed Television Service ("ITFS") client, and to meet that service deadline, must commence testing the equipment shortly. Wireless One, Inc., must have approximately 18 booster stations in place by July 1, 1998. Therefore, to enable Wireless One, Inc., to meet its own contractual obligations, Wireless One, Inc., and Comwave are filing this request for special temporary authority with the Mass Media Bureau, in conjunction with the Office of Engineering and Technology to allow for the delivery and operation of the boosters during the processing of the above-referenced type acceptance application.

Wireless One, Inc.'s request is supported by good cause. Wireless One contracted with the State of Mississippi to provide ITFS service throughout the state. As described in Attachment B hereto, Wireless One's anticipates the use of approximately 18 booster

stations located throughout the state for the provision of full ITFS coverage, and placed an order for that equipment with Comwave which manufactures microwave transmitter and receiver systems for use in the fixed microwave services including the Multichannel Multipoint Distribution Service ("MDS"), ITFS and Common Carrier and Private Operational Fixed Services primarily for wireless cable systems.

Recently, Comwave's engineering department discovered that two units of its HPB-250 analog boosters were inadvertently shipped to Wireless One prior to receiving the type acceptance referenced herein. After a thorough review of the matter by the engineering department, Comwave discovered that due to the medical leave and subsequent resignation of a key staff member, its application for type acceptance had not been submitted. Although an application for type acceptance had been granted by the Commission for another version of this equipment (FCC ID: CHP8BUHPB500) and a digital version of the equipment has already been submitted for approval (FCC ID: CHP8BUHPB250) when the duties of Comwave's staff person were reassigned to other staff members, the application for the analog version was apparently overlooked. Upon discovering the mistake, Comwave advised Wireless One of this error, halted all further delivery of the units, and immediately filed the above-referenced application for type acceptance.

So that an incident such as this is not repeated, and to ensure continued compliance with Section 302 of the Communications Act and Part 2 of the Commission's Rules, Comwave has instituted a new supervisory process to more closely monitor its equipment authorization and marketing procedures. Comwave will also develop an instructional presentation regarding FCC rules that all officers and management personnel in the relevant departments will be required to review. In its application, Comwave also brought to the Commission's attention the apparent violation of Part 2 of the Commission's Rules.

Based upon the foregoing disclosures and the affirmative remedial actions, Wireless One, Inc., and Comwave request special temporary authority for Wireless One to use the non-type accepted booster transmitters for the provision of MMDS and ITFS service throughout the State of Mississippi. This equipment will be used by Wireless One only pursuant to operational authorizations received by Wireless One from the Commission's Mass Media Bureau. Similar equipment has already been type accepted by the Commission and thus, Wireless One and Comwave are confident that this equipment will comply and operate within the prescribed operational limits contained in Parts 21 and 74 of the Commission's Rules. Furthermore, Wireless One agrees to immediately cease operation in the unlikely event that harmful interference might be caused. The application for type acceptance of the equipment filed with the Commission by Comwave on April 17, 1998

remains pending. Wireless One respectfully requests that it be granted use of the equipment as described in the type acceptance application, FCC ID CHP8BUHPB250-A, for a period starting May 1, 1998 for 90 days until August 11, 1998 or until such time as the equipment is granted type acceptance.

Respectfully submitted,

WIRELESS ONE, INC.

By: 
Dawn G. Alexander
Attorney for Wireless One, Inc.

**COMMUNICATION MICROWAVE
CORP.**

By: 
Robert F. Corazzini
Michael J. Lehmkuhl
Attorneys for Communication
Microwave Corp.

cc: Mr. Charles Dziedzic (MMB)
Mr. Charles Cobbs (OET)

com wave

Communication Microwave Corp

Attachment A

April 14, 1998

Federal Communications Commission
Equipment Approval Services
P. O. Box 358315
Pittsburg, PA 15251-5315

SUBJECT: SUBMISSION OF HPB-250 FOR TYPE ACCEPTANCE

Gentlemen:

The enclosed form and engineering report are submitted for type acceptance of Communication Microwave Corp's model HPB250 multi-carrier analog booster system for television transmission under parts 21, 74, and 94 of the FCC rules.

At this time, we wish to advise the Commission of a mistake in Comwave's internal procedures that allowed two of the HPB-250 analog boosters to ship to a customer prior to receiving type acceptance. Due to a medical leave and subsequent resignation of a key staff member in our engineering department, the type acceptance application for the analog model was not submitted as scheduled. (The duties of this individual were reassigned to others; however, this particular item fell through the cracks.) Consequently, we inadvertently shipped two analog HPB-250 systems without FCC type acceptance. (Other models of this family have been previously type accepted.) We have advised the customer of this error, and are seeking a special temporary authorization to allow the customer to continue with system testing. We apologize for the error in procedure and request an expedited review of this application so that our customer, who is entirely blameless, may not be further inconvenienced.

So as to ensure that an incident such as this is not repeated, and to ensure continued compliance with Section 302 of the Communications Act and Part 2 of the Commission's Rules, Comwave has instituted a new supervisory process to more closely monitor its equipment authorization and marketing procedures. Comwave will also develop an institutional presentation regarding FCC rule that all officers and management personnel in the relevant departments will be required to review.

Enclosed are the engineering report with the required test results and a Booster System instruction manual with circuit diagrams, theory of operation, etc.

Thank you for your assistance in this matter. If there is any further question concerning this application, please contact me at (717) 474-6751.

Sincerely,



Clifford H. Harris
Sr. VP, Engineering
Communication Microwave Corp

Attachment B

ALEXANDER & ASSOCIATES

2033 M STREET, NW
SUITE 402
WASHINGTON, D.C. 20038

TELEPHONE: (202) 293-2180

FACSIMILE: (202) 293-2364

April 16, 1998

VIA HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: *Application for Type Acceptance for Communication Microwave, Corp. for
Booster Equipment*

Dear Ms. Salas:

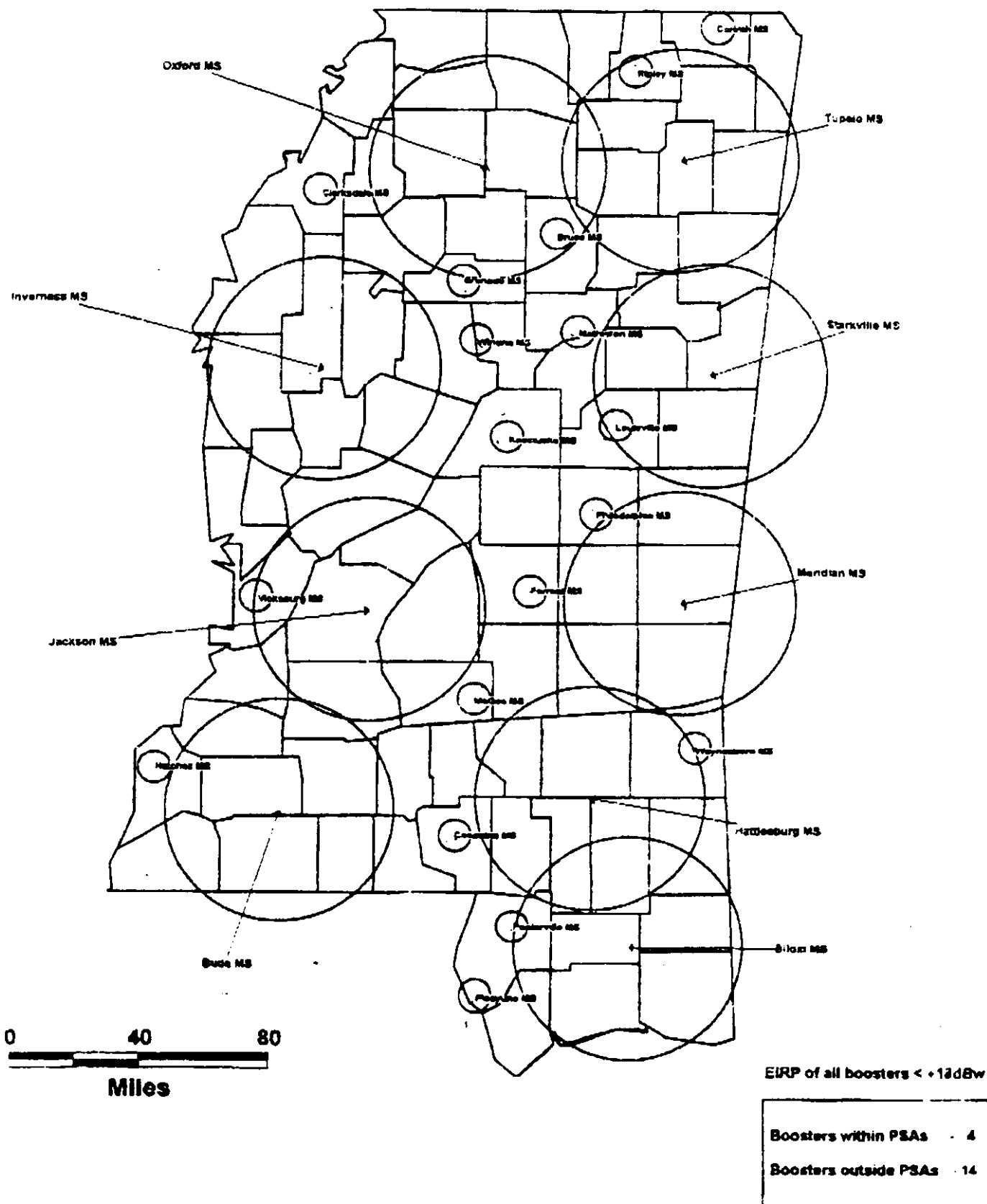
Alexander & Associates represents Wireless One, Inc. ("Wireless One") which placed an order for the equipment listed in Communication Microwave, Corp.'s above referenced application. On behalf of Wireless One, we are requesting the Commission's staff to expedite the processing of the above referenced application for the following reasons. Wireless One has a contractual obligation with the a consortium of five educational entities in Mississippi to provide video service to 95% of the population of the State of Mississippi by July 1, 1998 utilizing the Instructional Television Fixed Service ("ITFS") and Multipoint Distribution Service frequencies. In addition, the contract requires Wireless One install and provide ITFS service to 1100 schools throughout the state of Mississippi. Attached is a map which shows the 18 locations at which the Booster equipment will be installed. Communication Microwave, Corp. must have all equipment delivered to Wireless One as soon as possible so that Wireless One can meet its contractual obligation. If you should have any questions regarding this request for expedited processing please contact the undersigned at 202-293-2180.

Very truly yours,



Dawn G. Alexander
Counsel for Wireless One, Inc.

Wireless One Ednet System



Attachment 01

Wireless One, Inc.
Request for STA

CERTIFICATION

Wireless One, Inc., hereby certifies that neither it nor any party in this application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862.

M. Kelly Deling
Signature

4-21-98
Date

V.P. Engineering

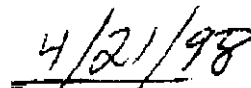
Communications Microwave Corporation
Request for STA

Attachment C2

CERTIFICATION

Communications Microwave Corporation hereby certifies that neither it nor any party to this application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-drug Abuse Act of 1988, 21 U.S.C. §862.


Signature


Date

Clifford H. Harris
Sr. V.P., Engineering