



Federal Communications Commission
Washington, D.C. 20554

DA 09-289

February 18, 2009

Mr. J. Dominic Monahan
Valley Broadcasting Company
777 High Street, Suite 300
Eugene, OR 97401

Re: Call Sign E080239
File No. SES-LIC-20081126-01519

Dear Mr. Monahan:

On November 26, 2008, Valley Broadcasting Company filed the above-captioned application for a license to operate a new earth station that will communicate in the conventional Ku-Band.¹ Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss the application as defective without prejudice to refiling.

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. Valley Broadcasting Company's application does not comply with the Commission's rules and is technically inconsistent, which renders it unacceptable and subject to dismissal. The deficiencies are as follows:

In response to item E47 of Schedule B, Valley Broadcasting Company lists 24000F9, 36000F9, 24M0GF7F, and 40F3 as emission designators. These designations are not in the format required by Sections 2.201 and 2.202 of the Commission's rules, 47 C.F.R. §§ 2.201 and 2.202. As a result, we cannot identify the emissions that Valley Broadcasting Company plans to use. Without this information, we cannot continue to process this application.

Further, in response to item E48 of Schedule B, Valley Broadcasting Company lists the maximum EIRP per carrier for emissions 24000F9, 36000F9, 40F3, 24M0GF7F, 24M0G7F as 76.5 dBW. In response to item E40 of Schedule B, Valley Broadcasting Company lists the total EIRP for all carriers as 75.5 dBW. Given this inconsistency, we cannot determine the proposed emission power.

While we dismiss the application on the above basis, we take the opportunity to apprise Valley Broadcasting Company of another issue it should correct should it choose to refile the application.

¹ The conventional Ku-band encompasses the 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands.

In response to item E41/E42 of Schedule B, Valley Broadcasting Company lists 14.25 dBi as the antenna gain for the proposed Andrew 203197 model antenna at a transmit frequency of 49.25 GHz. It appears that the propose antenna gain and the transmit frequency are reversed.

In light of the above, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1) and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss Valley Broadcasting Company's application without prejudice of refile.²

Sincerely,

Scott A. Kotler
Chief, Systems Analysis Branch
Satellite Division
International Bureau

² If Valley Broadcasting Company refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).