Federal Communications Commission
Washington, D.C. 20554

DA 09-809

April 9, 2009

Ms. Lesley Cooper
Spacenet Services License Sub, Inc.
1750 Old Meadow Road
McLean, VA 22102

Re: Call Sign: E990294
File No.: SES-MOD-20090317-00336

Dear Ms. Cooper:

On March 17, 2009, Spacenet Services License Sub, Inc. (Spacenet) filed the above-captioned application to modify its earth station license by adding three 1.2 meter antennas. These antennas will operate 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, without prejudice to refiling, that portion of the application that seeks to use the emission 300KG7D.[2]

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. Spacenet's application does not comply with the Commission's rules, which renders it unacceptable and subject to dismissal. The deficiency is as follows:

In response to item E49 of the Schedule B, Spacenet lists 30.50 dBW/4kHz as the maximum EIRP density per carrier for emission 300KG7D for its three proposed new antennas. Based on this information, we calculate the power density at the input of the antenna flange to be -12.70 dBW/4kHz (subtracting the proposed antenna gain of 43.2 dBi from the proposed maximum EIRP density level). This value exceeds the -14.0 dBW/4kHz power density limit in Section 25.212(c) of the Commission's rules, 47 C.F.R. § 25.212(c). Applicants requesting authority for earth stations that will operate at a power density exceeding the level in Section 25.212(c) of the Commission's rules must either submit a certification described in Section 25.220(e)(1) of the Commission's rules, 47 C.F.R. § 25.220(e)(1), from each target satellite operator or provide a demonstration showing that the earth station complies with the off-axis EIRP density limits in Section 25.218(f) of the Commission's rules, 47 C.F.R. § 25.218(f). Spacenet did not include

[1] The conventional Ku –Band encompasses the 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands.

[2] If Spacenet 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. § 1.1111(d).

these required certifications or provide a demonstration for the proposed emissions. Thus, the portion of Spacenet's application pertaining to the 300KG7D emission is defective.

In addition, because Section 25.220(e)(1) of the Commission's rules, 47 C.F.R. § 25.220(e)(1), requires certifications from each specific target satellite operator, any operating authority issued pursuant to Section 25.220(e)(1) must be limited to the specific target satellite operators for which certifications have been provided. Therefore, Spacenet cannot use an ALSAT-designation for emission 300KG7D. If Spacenet chooses to provide satellite operator certifications in any refiled application, it must specifically list all satellites with which the earth station intends to communicate using this emission.

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 that portion of Spacenet's application that relates to using the 300KG7D emission without prejudice to refilling.

Sincerely,

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