



Federal Communications Commission  
Washington, D.C. 20554

DA 03-3313

OctoOc

October 22, 2003

Kalpak Gude  
Vice President and Associate  
General Counsel  
PanAmSat Licensee Corp.  
1801 K Street, Suite 440  
Washington, D.C. 20036

Re: Applications of PanAmSat Licensee Corp. for Authority to Construct, Launch, and Operate a Hybrid Satellite in its Separate International Communications Satellite System, S2214, File Nos. SAT-LOA-19951012-00165, SAT-AMD-19960202-00016, and SAT-AMD-20030827-00284

Dear Mr. Gude:

In 1995, PanAmSat filed an application for a hybrid C/Ku-band satellite, PAS-13, at the 103° W.L. orbital location. Subsequently, PanAmSat amended this application to change the requested orbital location for PAS-13 to 93° W.L. (Initial Amendment). Finally, PanAmSat filed a further amendment to redesignate its in-orbit Ku-band only SBS-4 satellite as PAS-13 and to operate PAS-13/SBS-4 from the 125° W.L orbit location (Further Amendment). For the reasons discussed below, we dismiss the Further Amendment as incomplete. We also dismiss the underlying application and Initial Amendment, which were subsumed by the Further Amendment.

As early as 1998, the International Bureau emphasized that that space station applications “must include the information required in Section 25.114 of the Commission's rules,” 47 C.F.R. §25.114. The Bureau stated that if any application failed to include any of the required information, it would return the application without prejudice as being unacceptable for filing. See *International Bureau To Streamline Satellite And Earth Station Processing*, Report No. SPB-140, October 28, 1998. The Commission affirmed this policy last year in its *First Space Station Reform Order*. See *Amendment of the Commission's Space Station Licensing Rules and Policies, First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10852 (para. 244) (2003).

In its Further Amendment, PanAmSat does not submit gain contours for its PAS-13/SBS-4 satellite pursuant to Section 25.114(c)(7) of the Commission's rules, 47 C.F.R. §25.114(c)(7). PanAmSat states that it does not do so because the only change it proposes to SBS-4 it is to relocate the satellite from its assigned orbital location at 77° W.L to 125° W.L. Further Amendment at 2. Section 25.114(c)(7), however, requires “predicted space station antenna gain contours for each transmit and receive beam *and nominal orbital location requested.*” Emphasis added. The Commission requires antenna gain contours for each proposed orbit location because the contour's characteristics on the face of the earth are different at different locations, changing the interference potential of the spacecraft. Thus, the antenna gain contours for the SBS-4 satellite from 77° W.L. are immaterial to our consideration of PAS-13/SBS-4's proposed operations at 125° W.L. Furthermore, PanAmSat previously stated its coverage objectives for its proposed PAS-13 satellite could be met from any orbital position between 90° W.L. and 115° W.L.

Initial Amendment at 3. The antenna gain contours from a satellite at 125° W.L will therefore, by PanAmSat's admission, be significantly different from those which it initially proposed.

Accordingly, pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261(4) and 47 C.F.R. § 0.331, we find that Application File No. SAT-AMD-20030827-00284 is incomplete and thus unacceptable for filing. We therefore dismiss this application, the underlying application (File No. SAT-LOA-19951012-00165), and a previous amendment (File No. SAT-AMD-19960202-00016) without prejudice to refileing.

Sincerely,

Thomas S. Tycz  
Satellite Division  
International Bureau

cc: Joseph A. Godles, Esq.  
Attorney for PanAmSat Licensee Corp.  
Goldberg, Godles, Wiener & Wright  
1229 19<sup>th</sup> Street, N.W.  
Washington, D.C. 20036