



Federal Communications Commission
Washington, DC 20554

International Bureau

DA 04-1722

June 16, 2004

Mr. David M. Drucker
Manager, contactMEO Communications, LLC
2539 N. Highway 67
Sedalia, CO 80135

Re: contactMEO Communications, LLC, Application for Authority
to Launch and Operate a Non-Geostationary Orbit Fixed-
Satellite System in the Ka-band, File No. SAT-AMD-20040322-
00057; File No. SAT-LOA-19971222-00222 (Call Sign 2346).

Dear Mr. Drucker:

On May 18, 2004, the Satellite Division, International Bureau, dismissed the above referenced applications, without prejudice, as defective.¹ By this letter, we reverse that decision on our own motion. We also clarify the information that contactMEO Communications LLC (contactMEO) must submit in support of its application. contactMEO's application, as amended, will be placed on public notice as acceptable for filing if all of the required information is properly submitted.

contactMEO proposed to operate a non-geostationary satellite, fixed-satellite service (NGSO FSS) system in the Ka-band, using three NGSO highly-elliptical orbit (HEO) satellites in combination with four geostationary satellite orbit, fixed-satellite service (GSO FSS) satellites using NGSO FSS Ka-band spectrum.² contactMEO's application was dismissed on two grounds. First, contactMEO failed to comply with Section 25.145(c)(3) of the Commission's rules. This rule requires non-geostationary satellite system applicants, such as contactMEO, to "submit a casualty risk assessment if planned post-mission disposal involves atmospheric re-entry of the spacecraft."³ Second, Section 25.140(b)(2) of the Commission's rules requires an interference analysis demonstrating that the proposed GSO FSS satellite system will be compatible with the Commission's two-degree orbital spacing environment.⁴ Pursuant to a recently released Public Notice, applicants were provided guidance on the submission of the two-degree interference analysis and notified that failure to submit a two-degree analysis would render the application incomplete.⁵ contactMEO failed to include an interference analysis and casualty risk assessment, thus we concluded that contactMEO's application was defective. Upon further review, we have determined that

¹ Letter to David Drucker, Manager, contactMEO Communications, LLC, from Thomas S. Tycz, Chief, Satellite Division, International Bureau, dated May 18, 2004 (DA 04-1386).

² contactMEO proposed to use, on a primary or secondary basis as discussed below, the 28.6-29.1 GHz and 29.5-30.0 GHz bands for its HEO uplink operations, and the 18.8-19.3 GHz and 19.7-20.2 GHz bands for its HEO downlink operations. contactMEO also proposes to use the 28.6-29.1 GHz band for its GSO FSS uplink operations, and the 18.8-19.3 GHz band for its GSO FSS downlink operations, both on a secondary basis. contactMEO Amended Application, p. 3.

³ 47 C.F.R. § 25.145(c)(3).

⁴ 47 C.F.R. § 25.140(b)(2).

⁵ *Public Notice*, International Bureau Satellite Division Information: Clarification of 47 C.F.R. § 25.140(b)(2), Space Station Application Interference Analysis, No. SPB-195, 18 FCC Rcd 25099 (2003) (*Interference Analysis Public Notice*).

the rules at issue are subject to conflicting, but reasonable, interpretations regarding the specific information required. Thus, we clarify the information necessary to deem contactMEO's application as acceptable for filing.

Casualty Risk Assessment. The Commission has adopted requirements that satellite services in three specific bands, including NGSO FSS Ka-band, describe orbital debris mitigation plans when applying for a license.⁶ Section 25.145(c)(3) requires each non-geostationary satellite orbit Ka-band applicant to submit a casualty risk assessment if planned post mission disposal involves atmospheric re-entry of the spacecraft.⁷ Upon further review, we conclude that the NGSO FSS Ka-band service rules may not provide sufficient information for some applicants in formulating their casualty risk assessments. Given this, we reconsider our dismissal of contactMEO's application for failure to comply with Section 25.145(c)(3).

We are providing, by way of Public Notice, additional information to assist applicants in preparing casualty risk assessments.⁸ In that Notice we also advise applicants that their applications will be considered incomplete and therefore dismissed, if the requisite information is not submitted. contactMEO must submit a casualty risk assessment consistent with the Public Notice in order for us to continue to process its application.

Two-Degree Spacing: Section 25.140(b)(2) requires applicants for space station authorizations in the fixed-satellite service to demonstrate the compatibility of their proposed systems two-degrees from "any authorized space station."⁹ In instances where there are no authorized space stations, the Commission has interpreted this rule to require applicants to submit an interference analysis involving other proposed systems, or using technical data from the applicants' own systems. Indeed, historically applicants proposing systems in spectrum where there are no currently authorized space stations have submitted such analyses.¹⁰ Nevertheless, we acknowledge that one reasonable interpretation of the rule is that if there are no authorized space stations, then no interference analysis is required. Thus, we reverse our dismissal of contactMEO's application for failure to provide an interference analysis.

To eliminate any confusion about the two-degree interference analysis required by Section 25.140(b)(2), we are issuing a Public Notice specifying that an applicant must demonstrate its proposed satellites compatibility with currently authorized stations.¹¹ However, if there are no currently authorized stations within two degrees of the applicant's proposed station, the applicant must demonstrate the compatibility of its system with a proposed station at an assumed two degree separation. In situations where there are no authorized or proposed stations within two degrees of the applicant's requested orbit location, the applicant must submit an interference analysis, with an assumed two degree separation, using either: (1) the technical characteristics of authorized or proposed satellites located more than two

⁶ Establishment of Policies and Service Rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ka-Band, *Report and Order*, 18 FCC Rcd 14708 (2003).

⁷ 47 C.F.R. § 25.145(c)(3).

⁸ *Public Notice*, International Bureau, Satellite Division Information, Orbital Debris Mitigation: Clarification of 47 C.F.R. Sections 25.13(b), 25.145(c)(3), 25.146(i)(4) and 25.217(d) Regarding Casualty Risk Assessment of Satellite Atmospheric Re-entry, SPB-208, DA 04-1724, June 16, 2004.

⁹ 47 C.F.R. § 25.140(b)(2).

¹⁰ *See e.g.*, TRW, Inc., Application to Launch and Operate Geostationary and Non-Geostationary Satellites in the Fixed Satellite Service, File No. 112-SAT-P/LA-97.

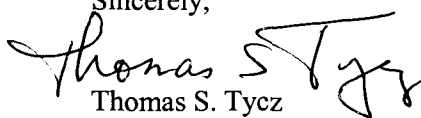
¹¹ *Public Notice*, International Bureau Satellite Division Information: Clarification of 47 C.F.R. 25.140(b)(2), Space Station Interference Analysis, SPB-207, DA 04-1708, June 16, 2004.

degrees away that meet U.S. two-degree compliance rules; or (2) the technical characteristics of the applicant's own satellite.¹² Thus, if any applicant for a space station authorization in the fixed-satellite service fails to submit an interference analysis, its application will be considered incomplete and therefore dismissed. Consequently, contactMEO must submit an interference analysis as set forth in the Public Notice in order for us to continue to process its application.

Based on the foregoing, we reverse our May 18, 2004 dismissal of contactMEO Communications, LLC's application for Authority to Launch and Operate a Non-Geostationary Orbit Fixed-Satellite System in the Ka-band, File No. SAT-LOA-19971222-00222, as amended, File No. SAT-AMD-20040322-00057. Further, contactMEO must submit the information requested in this letter to the Commission on or before July 19, 2004, with a courtesy copy to Alyssa Roberts of my staff. Failure to respond in a timely manner will result in dismissal of the application. The reinstated application will be placed on Public Notice as acceptable for filing if all of the requested information is properly submitted.

This action is taken pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261.

Sincerely,



Thomas S. Tycz
Chief
Satellite Division

¹² *Id.*