



International Bureau

Federal Communications Commission
Washington, DC 20554

DA 05-274

February 3, 2005

Mr. Robert Lewis
SkyTerra Communications, Inc.
19 West 44th Street, Suite 507
New York, NY 10036

Re: Application of SkyTerra Communications, Inc., File Nos. SAT-LOA-20041029-00205, SAT-AMD-20041202-00215, Call Sign: S2648

Dear Mr. Lewis:

This is in reference to, SkyTerra Communications, Inc.'s ("SkyTerra's") above-referenced application for authority to construct, launch and operate two co-located geostationary satellites in the Fixed-Satellite Service, using the 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz and 29.25-30 GHz frequency band, at the 95° W.L. orbital location. For the reasons discussed below, we dismiss the application as defective, without prejudice to refileing.

Section 25.114(c) of the Commission's rules, 47 C.F.R. § 25.114(c), requires all space station applicants to submit all applicable items of information listed in its subsections. Sections 25.112(a)(2) and (b)(1) of the Commission's rules, 47 C.F.R. §§ 25.112(a)(2) and (b)(1), state that an application that does not substantially comply with the Commission's rules will be returned to the applicant as unacceptable for filing unless the application is accompanied by a waiver request with reasons supporting the waiver. In the *Space Station Reform Order*, the Commission affirmed the policies embodied in this rule by continuing to require applications to be substantially complete when filed.¹ As the Commission noted, the procedures and rules it adopted will enable the Commission to establish satellite licensees' operating rights clearly and quickly, and as a result, allow licensees to provide service to the public much sooner than might be possible under our previous licensing procedures.² Finding defective applications acceptable for filing is not consistent with the rules and policies adopted by the Commission in the *Space Station Reform Order* and only serves to create uncertainty and inefficiencies in the licensing process.

¹ Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking, Space Station Reform Order*, 18 FCC Rcd 10760, 10852 (para. 244)(2003), citing Amendment of the Commission's Space Station Licensing Rules and Policies, *Notice of Proposed Rulemaking*, 17 FCC Rcd 3847, 3875-76 (para. 84)(2002).

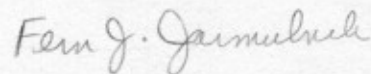
² *Space Station Reform Order*, 18 FCC Rcd at 10765-66 (para. 4). See also Echostar Satellite LLC, *Order on Reconsideration*, DA 04-4056 (Int'l Bur. 2004).

In its application, SkyTerra does not submit any link budgets for the downlink direction of transmission. Thus it did not supply an overall link performance analysis as required by Section 25.114(c)(8) of the Commission's rules, 47 C.F.R. §25.114(c)(8). SkyTerra has also filed antenna contour diagrams for one of its proposed satellites, Miraxis, that do not show contours at 2 dB intervals down to 10 dB below peak value and at 5 dB intervals to 20 dB, as required by Section 25.114(c)(7). Further it is not clear how these antenna beams are associated with those listed in table S8 of the schedule S.

In addition, we note that SkyTerra filed one Schedule S application and one application fee to cover both of its proposed satellites. Applicants seeking authority for more than one satellite to operate in geostationary-satellite orbit (GSO), as SkyTerra proposes, must file one Schedule S application for each proposed satellite.³ It must also file a fee to cover each application for authority to launch and operate a GSO space station.⁴

Accordingly, pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261(a)(4), we find that this application, File No. SAT-LOA-20041029-00205, SAT-AMD-20041202-00215, is defective under Section 25.114(b) of the Commission's rules, 47 C.F.R. § 25.114(b), and must be returned pursuant to Section 25.112(a) of the rules, 47 C.F.R. §25.112(a). We therefore dismiss the application without prejudice to refile. If SkyTerra refiles an application identical to the one dismissed, with the exception of supplying the missing information, it need not pay an application fee for one of the space stations. *See* 47 C.F.R. § 1.1109(d).

Sincerely,



Fern J. Jarmulnek
Deputy Chief
Satellite Division

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³ Amendment of the Commission's Space Station Licensing Rules and Policies, *Third Report and Order and Second Further Notice of Proposed Rulemaking*, 18 FCC Rcd 13486 (2003), *erratum*, 18 FCC 15306 (2003).

⁴ 47 C.F.R. § 1.107.