



Federal Communications Commission  
Washington, DC 20554

International Bureau

DA 04-1386

May 18, 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, amending File No. SAT-LOA-19971222-00222 (Call Sign 2346).

Dear Mr. Drucker:

This letter refers to the above referenced application, as amended, filed by contactMEO Communications, LLC ("contactMEO") to operate a non-geostationary satellite, fixed-satellite service (NGSO FSS) system in the Ka-band. contactMEO proposes to operate a system using three NGSO highly-elliptical orbit (HEO) satellites in combination with four geostationary satellite orbit (GSO FSS) satellites using NGSO FSS Ka-band spectrum.<sup>1</sup> As set forth below, we dismiss the amended application, without prejudice, as defective.

The Commission requires all applications for space station licenses to be substantially complete when they are filed. The Commission's Part 25 rules set forth various information requirements that applicants must provide in their space station applications. Applications that are not substantially complete are dismissed without further processing.<sup>2</sup> We dismiss contactMEO's application on two grounds. First, the NGSO portion of the application does not comply with Section 25.145(c)(3) of the Commission's rules.<sup>3</sup> The orbital debris mitigation plan submitted by contactMEO states that its HEO satellites "will have their perigee altitude lowered to less than 250 km such that the satellite will re-enter the atmosphere in less than 25 years."<sup>4</sup> Under Section 25.145(c)(3) of our rules, each non-geostationary satellite orbit applicant must "submit a casualty risk assessment if planned post-mission disposal involves atmospheric re-entry of the spacecraft."<sup>5</sup> Because the orbital debris mitigation plan for contactMEO's HEO satellites include re-entry into the atmosphere, contactMEO was required to submit a casualty risk assessment plan. Failure to do so renders the application as defective under Section 25.112(a)(1) of the Commission's rules.

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<sup>1</sup> contactMEO proposes 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.

<sup>2</sup> 47 C.F.R. § 25.112.

<sup>3</sup> 47 C.F.R. § 25.145(c)(3).

<sup>4</sup> contactMEO application, Exhibit, FCC Form 312.

<sup>5</sup> 47 C.F.R. § 25.145(c)(3).

Second, the Commission's two-degree spacing policy for GSO satellites applies to space stations in the Ka-band. 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.<sup>6</sup> This analysis shows the potential for interference into and from carriers of adjacent satellites spaced two-degrees away from the proposed satellite. The International Bureau recently released a public notice clarifying the types of showings that must be provided, and stated that applications filed after December 3, 2003 that do not contain this analysis will be dismissed as incomplete.<sup>7</sup> Therefore, contactMEO should have submitted an interference analysis with its March 2004 amended application. Because this information was not provided, contactMEO's application is defective.

We also note, however, that contactMEO proposes to operate its GSO FSS satellites using NGSO FSS spectrum, on a secondary, non-harmful interference basis to other NGSO satellite systems. contactMEO's proposed uplink band, 28.6-29.1 GHz, is designated to NGSO FSS on a primary basis, and GSO FSS on a secondary basis.<sup>8</sup> In considering requests to operate on a secondary basis, the Commission has always required applicants to demonstrate that their proposed secondary operations are not likely to cause interference to primary operations. contactMEO did not submit any technical showing demonstrating that its proposed GSO FSS satellites can operate compatibly with other NGSO FSS systems.

contactMEO requested a waiver to operate GSO FSS satellites in the 18.8-19.3 GHz band. This spectrum is designated for NGSO FSS use only. A request to waive this rule and operate GSO satellites in this spectrum must, among other things, show that the proposed use would not undermine the policy objective of the rule in question, which establishes a dedicated band for NGSO FSS use on a primary basis to encourage the development of such systems. contactMEO did not submit such showings. To date, no GSO applicant has demonstrated that it can operate on a non-harmful interference basis to NGSO operations and, consequently, the Commission has not authorized GSO FSS operations in spectrum designated for NGSO FSS services.<sup>9</sup>

Because contactMEO failed to submit information as required by the Commission's rules, and did not request a waiver of the rules requiring it to submit this information, we find that the application, as amended, is defective. Consequently, contactMEO Communications, LLC's application for Authority to

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<sup>6</sup> 47 C.F.R. § 25.140(b)(2).

<sup>7</sup> Clarification of 47 C.F.R. § 25.140(b)(2), Space Station Application Interference Analysis, *Public Notice*, No. SPB-195, DA 03-3863 (Dec. 3, 2003).

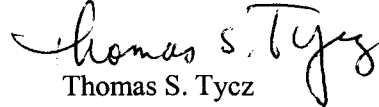
<sup>8</sup> Stations operating in primary services are protected from interference from stations of secondary services. Stations operating in the secondary service cannot cause harmful interference to claim protection from harmful interference from stations of a primary service. 47 C.F.R. § 2.104(d).

<sup>9</sup> See EchoStar Satellite LLC, Applications for Authority to Construct, Launch and Operate Geostationary Satellites in the Fixed-Satellite Service using the Ka and/or Extended Ku-bands at the 83° W.L., 105° W.L., 113° W.L. and 121° W.L. Orbital Locations, *Memorandum Opinion and Order*, DA 04-1167 (rel. April 29, 2004), and cases cited therein.

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, is dismissed without prejudice to refiling.<sup>10</sup>

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

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<sup>10</sup> Applications returned to applicants for additional information will not require an additional fee when resubmitted, if the resubmitted application is identical to the returned application except for the missing information. See 47 C.F.R. § 1.1109.