



Federal Communications Commission
Washington, DC 20554

International Bureau

DA 05-601

March 4, 2005

Mr. Brian Park
AfriSpace, Inc.
2400 N St NW
Washington, DC 20037-1188

Re: Application for Authority to Launch and Operate AfriStar-2 at 21° E.L., IBFS
File No. SAT-LOA-20040728-00150, Call Sign S2624.

Dear Mr. Park:

On July 28, 2004, AfriSpace, Inc. ("AfriSpace") filed the above-captioned application for authority to launch and operate AfriStar-2 at the at 21° E.L. orbital location. For the reasons discussed below, we dismiss the application as defective, without prejudice to refileing.

AfriStar-2 will provide broadcasting-satellite service (sound) in the 1452-1492 MHz band.¹ It will also operate feeder links in the 7025-7075 MHz band.² The 7025-7075 MHz band is allocated on a primary basis to the fixed-satellite service in ITU Regions 1, 2, and 3, and to no other satellite service.³ The definition of "fixed-satellite service" in Section 25.201 of the Commission's rules⁴ includes "feeder links of other space radiocommunication services."

In the "Antenna Beams" section of Schedule S of its application, in item S7.(q), AfriSpace states that it plans to launch and operate AfriStar-2 with a maximum input attenuator value of 9 dB. Section 25.210(c) of the Commission's rules⁵ requires fixed-satellite service space stations to have a minimum capability to change transponder saturation flux densities by ground command in 4 dB steps over a range of 12 dB. Thus, AfriSpace's proposed feeder links do not comply with the Commission's rules. Moreover, AfriSpace has not requested a waiver of Section 25.210(c). Sections 25.112(a)(2) and (b)(1) of the Commission's rules⁶ 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

¹ Application for Authority to Launch and Operate a Replacement Satellite, AfriStar-2, at 21° E.L. and to Co-locate it with AfriStar-1, IBFS File No. SAT-LOA-20040728-00150 ("AfriSpace Application") (Form 312 at Item 20).

² *Id.* (Exhibit C at para. 1 and Schedule S).

³ *See* 47 C.F.R. § 2.106 at p. 58.

⁴ 47 C.F.R. § 25.201.

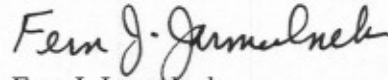
⁵ 47 C.F.R. § 25.210 (c).

⁶ 47 C.F.R. §§ 25.112(a)(2) and 25.112(b)(1).

accompanied by a waiver request with reasons supporting the waiver. Therefore, we find AfriSpace's application defective and return it without prejudice to refileing.

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-20040728-00150, is defective. We therefore dismiss the application without prejudice to refileing.⁷

Sincerely,



Fern J. Jarmulnek
Deputy Chief, Satellite Division

cc: Ms. Tara K. Giunta
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⁷ If AfriSpace refiles an application identical to the one dismissed, with the exception of supplying the missing information, it need not pay a further application fee. *See* 47 C.F.R. § 1.1109(d).