



Federal Communications Commission
Washington, D.C. 20554

DA 05-2972

November 17, 2005

William M. Wiltshire, Esq.
Harris, Wiltshire & Grannis LLP
1200 Eighteenth Street
Washington, DC 20036

Re: Application for Authority to Launch and Operate the Ka-band Payload on
DIRECTV 9S, SAT-LOA-20050822-00165, Call Sign S2679

Dear Mr. Wiltshire:

DIRECTV Enterprises, LLC (DIRECTV) has filed an application for authority to launch and operate a Fixed Satellite Service (FSS) Ka-band space station¹ on the proposed DIRECTV 9S Geostationary Satellite Orbit (GSO) satellite, which is to be located at the nominal 101° W.L. orbital location. For the reasons cited below, we dismiss the application as defective, without prejudice to refiling.

Section 25.114(c) of the Commission's rules² requires all space station applicants to submit all applicable items of information listed in its subsections. In addition, Section 25.112(a)(1) of the Commission's rules provides that an application will be unacceptable for filing if "the application is defective with respect to completeness of answers to questions, informational showings, internal inconsistencies, execution, or other matters of a formal character."³

We find that DIRECTV's application contains inconsistencies regarding the effective isotropically radiated power (EIRP) values of the space station and the space station's compliance with the power flux density limits of Section 25.208 of the Commission's rules.⁴ The application also contains what appears to be erroneous information concerning the uncoded data rates for the space station's 36 megahertz and 54 megahertz carriers.

With respect to the EIRP values, in Section 5.2.2 of Exhibit D of its application, DIRECTV states "[t]he Ka-band payload of DIRECTV 9S has a maximum EIRP of 41.8 dBW per carrier." In addition, Item

¹ Application of DIRECTV Enterprises, LLC for Authorization to Launch and Operate the Ka-band Payload on DIRECTV 9S, a GSO FSS Satellite, at the 101° W.L. Orbital Location, File No. SAT-LOA-20050822-00165 (filed August 22, 2005).

² 47 C.F.R. § 25.114(c).

³ 47 C.F.R. § 25.112(a)(1).

⁴ 47 C.F.R. § 25.208.

S.7(m) of the Form 312 Schedule S of the application indicates a maximum EIRP of 41.8 dBW per carrier. In contrast, in Figure A-2 of Exhibit D, DIRECTV provides a value of 40.8 dBW for the entry labeled "Satellite EIRP, dBW/24 MHz" for a 36 megahertz-wide downlink carrier. Since 36 megahertz is approximately 1.8 dBHz above 24 megahertz, this indicates that the EIRP for a 36 megahertz carrier is approximately 42.6 dBW/36 megahertz. Thus, the maximum EIRP stated in the link budget for the 36 megahertz downlink carrier is inconsistent with the maximum per-carrier EIRP values stated in Section 5.2.2 and Schedule S of the application. Also, in Figure A-3 of Exhibit D, DIRECTV provides a value of 40.8 dBW for the entry labeled "Satellite EIRP, dBW/24 MHz" for a 54 megahertz-wide downlink carrier. Since 54 megahertz is approximately 3.5 dBHz above 24 megahertz, this indicates that the EIRP for a 54 megahertz carrier is approximately 44.3 dBW/54 megahertz. Thus, the maximum EIRP stated in the link budget for the 54 megahertz downlink carrier is also inconsistent with the maximum per-carrier EIRP values stated in Section 5.2.2 and Schedule S of the application.

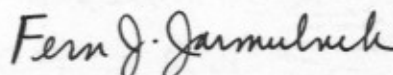
With respect to the power flux density limits, in item S17(a) of Schedule S, DIRECTV has checked the "N/A" box, indicating that the power-flux-density limits of Section 25.208 of the Commission's rules do not apply to the proposed FSS space station. This is incorrect. However, DIRECTV states on pages 18-19 of its Exhibit D that the proposed FSS space station complies with Section 25.208 and is therefore inconsistent with item S17(a) of Schedule S.

Finally, regarding what appears to be erroneous information concerning the uncoded data rates for the space station's 36 megahertz and 54 megahertz carriers in item S11(e) of Schedule S, DIRECTV states that the uncoded data rate for the 24 megahertz carrier is 30320 kbps and the uncoded data rates for the 36 megahertz and 54 megahertz carriers are 45.48 kbps and 68.22 kbps, respectively. We note that the ratios between the data rates and carrier bandwidths for the 36 megahertz and 54 megahertz carriers are extremely low, and therefore the data rates listed most likely are erroneous. Therefore, if DIRECTV chooses to refile its application, it should provide accurate data rates for the 36 megahertz and 54 megahertz carriers, or an explanation for the extremely low data rates for these carriers.

For the above-mentioned reasons, we find DIRECTV's application to be internally inconsistent. Accordingly, we find that the application is defective and thus unacceptable for filing. We therefore dismiss the application (File No. SAT-LOA-20050822-00165), pursuant to Section 25.112(a) of the Commission's rules.⁵

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

Sincerely,



Fern J. Jarmulnek
Deputy Chief, Satellite Division
International Bureau

⁵ 47 C.F.R. § 25.112(a).