



Federal Communications Commission
Washington, DC 20554

International Bureau

February 24, 2004

Mr. Vicente Rubio Carreton
Director, Regulatory Affairs
Praia do Flamengo 200 – 17 andar Flamengo
Rio de Janeiro – RJ, Brazil 22210-030

Re: Petition for Declaratory Ruling to Add AMAZONAS-1 Satellite at 61° W.L.
To the Commission's Permitted Space Station List Space Station Application, SAT-PPL-
20040106-00001, Callsign S2612

Dear Mr. Carreton:

On January 6, 2004, Hispamar Satellites, S.A. ("Hispamar") filed a petition to add the AMAZONAS-1 satellite, which is licensed by Brazil, to the Commission's Permitted Space Station List ("Permitted List"). For the reasons discussed below, we dismiss the petition as defective.


Most significantly, Section 25.114 of the Commission's rules, 47 C.F.R. §25.114, clearly and explicitly requires all space station applicants, including those filing petitions to be added to the Commission's Permitted List, to submit all applicable items of information listed in its subsections. Recently, the Commission conducted a comprehensive review of its space station rules and underlying policies related to Section 25.114(c), 47 C.F.R. §25.114(c). In the *First Space Station Reform Order, Amendment of the Commission's Space Station Licensing Rules and Policies, First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10852 (para. 244) (2003), the Commission revised the space station licensing process to adapt it to today's satellite environment. As part of the measures adopted in the *First Space Station Reform Order*, the Commission determined to continue to require applications to be substantially complete when filed. 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. *First Space Station Reform Order*, 18 FCC Rcd at 10765-66 (para. 4). Finding defective applications acceptable for filing is not consistent with the rules and policies adopted by the Commission in the *First Space Station Reform Order* and only serves to create uncertainty and inefficiencies in the licensing process. In that Order, the Commission further emphasized that non-U.S.-licensed satellites seeking access to the U.S. market by filing earth station applications or petitions to be added to the Permitted List will be required to provide the same technical information regarding the foreign satellites as U.S. satellite license applicants provide for proposed U.S.-licensed satellites. See *First Space Station Reform Order*, 18 FCC Rcd at 10872 (para. 300).

In its petition, Hispamar does not submit all of the technical information required by Sections 25.114(c)(8), (c)(10), (c)(17) of the Commission's rules, 47 C.F.R. §§25.114(c)(8), (c)(10), and (c)(17). Consequently, the application is defective under Section 25.114(b), 47 C.F.R. §25.114(b), of the rules and

must be returned pursuant to Section 25.112(a), 47 C.F.R. §25.112(a). *See also International Bureau Satellite Division Information: Clarification of 47 C.F.R. § 25.140(B)(2) Space Station Application Interference Analysis*, Public Notice No: SPB-195, No. DA 03-386, 32003 WL 22850140 (F.C.C., Dec 03, 2003).

Accordingly, pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261(a)(4), we find that this petition, File No. SAT-PPL-20040106-00001, is defective. We therefore return this petition to be added to the Commission's Permitted Space Station List without prejudice to refileing.

Sincerely,


for Thomas S. Tycz
Chief, Satellite Division
International Bureau

cc: Mr. Donald Jansky
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