



Federal Communications Commission
Washington, D.C. 20554

DA 08-2284

October 10, 2008

Frank R. Jazzo, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street
11th Floor
Arlington, VA 22209

Re: Call Sign E990019
File No. SES-MFS-20080506-00540
File No. SES-AFS-20080917-01215

Dear Mr. Jazzo:

On May 22, 2008, the International Bureau sent American Samoa License, Inc. (ASL) a letter requesting ASL to provide, by amendment, additional information that would allow the Bureau to continue processing an earth station modification application ASL filed on May 8, 2008 (Application File No. SES-MFS-20080506-00540). In the modification application, ASL requested authority to add an antenna to earth station call sign E990019 that would communicate with the Japanese-licensed JCSAT-2 satellite. In its May 22, 2008 letter, the Commission requested ASL to provide four items of information. It also stated that failure to do so will result in dismissal of the modification application.

On September 17, 2008, ASL filed the requested amendment, File No. SES-AFS-20080917-01215. The amendment, however, contains only two of the four required items of information. In particular, the amendment does not contain an interference analysis, in accordance with 47 C.F.R. §25.140(b)(2), or a description of the types of services to be provided, including transmission characteristics and link performance analysis, in accordance with 47 C.F.R. §25.114(d)(4). Consequently, pursuant to Section 25.112(c) of the Commission's rules, §25.112(c), we dismiss the modification application, and the associated amendment, as incomplete without prejudice to refiling.¹

As noted in our May 22, 2008 letter, we recognize that the Commission previously authorized JCSAT-2² to provide service in the United States. This authority was granted, however, before the filing requirements currently contained in Section 25.137(b) of the Commission's rules, 47 C.F.R. § 25.137(b), became effective. Section 25.137(b) requires earth

¹ If ASL refiles an application in which the deficiencies identified in this letter have been corrected and which is otherwise identical to the one dismissed, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).

² In its modification application, ASL also refers to the JCSAT-2A satellite. In its amendment, ASL indicates JCSAT-2R is also known as the JCSAT-2A.

station licenses seeking to access a non-U.S.-licensed satellite to provide all information required in Section 25.114 for the non-U.S.-licensed space station.³ To ensure that the space station's operations are compatible with other satellite networks providing service in the United States and otherwise comply with Commission rules, ASL should include, in any refiled application, all applicable items of information listed in Sections 25.114(c) and (d) of the Commission's rules, 47 C.F.R. §§ 25.114(c) and (d), for the non-U.S. space station. Further, the application should include requests for waivers of applicable Commission rules where warranted. In addition, ASL should clarify whether it seeks to communicate with the JCSAT-2 or JCSAT-2A/-2R satellite.

Sincerely,



(FOR) Scott A. Kotler
Chief, Systems Analysis Branch
Satellite Division
International Bureau

³ See also Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States, *Report and Order*, IB Docket No. 96-111, 12 FCC Rcd 24094, 24175 (para. 189) (1997) (*DISCO II*); Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10872-73 (paras. 299-302) (2003) (*First Space Station Licensing Reform Order*).