

Ms. Marlene Dortch

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More important than the changes included in the amendment are what were not included in AvL's amendment – any substantive response to the significant concerns raised in SWE-DISH's Petition to Deny that was filed on May 7, 2004. In that petition, SWE-DISH demonstrated that the AvL antenna designs for its less than 1.2 meter dishes raise significant potential problems with regard to adjacent satellite interference (due to pointing accuracy and antenna construction concerns), radiation hazards (due to over-illumination of the single offset antenna), and questions regarding the ability to transmit on both polarizations (due to the possible need to manually rotate the feed).² The Petition to Deny also pointed out relevant information that appeared to be missing from AvL's application. The amendment filed by AvL fails to address any of these issues or to supply any of the missing information.

SWE-DISH contends that even as amended, the AvL application cannot be granted because of these significant defects. SWE-DISH therefore requests that the Commission deny the application, or at the very least require AvL to demonstrate that its operations and antennas are in conformance with the Commission's requirements for less than 1.2 meter antennas before the application is granted.

Respectfully submitted,

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² See generally, SWE-DISH Petition to Deny, File No. SES-MOD-2004-225-00277, filed May 7, 2004