



Federal Communications Commission  
Washington, D.C. 20554

DA 03-3902

December 9, 2003

Henry S. Scott, Esq.  
Pomeranz, Gottlieb and Muskin, L. L. C.  
205 Lexington Avenue, 16th Floor  
New York, NY 10016

Re: Call Sign: E030134, File No. SES-LIC-20030529-00757, Transcom Enterprises, Inc.

Dear Mr. Scott:

We have under consideration the above-captioned application filed on behalf of Transcom Enterprises, Inc. (TEI). For the reasons below, we dismiss the application without prejudice.

In order to properly review the application, we asked TEI on August 29, 2003 to submit additional information in the form specified in 47 C.F.R. §25.132 of the Commission's rules. Commission Staff is authorized to request such additional information, and if the additional information is either not supplied or is incorrect, the Commission may dismiss the application.<sup>1</sup>

On October 10, 2003, TEI responded to our request. After reviewing the additional information submitted, we determined that:

- the showing does not include all pattern plots specified by §25.132.
- the frequency in the measurements is not selected at the top, middle, and bottom frequencies of the operating frequency band, as specified in §25.132(b)(1).
- the co-polarized patterns in the azimuth plane are not plotted over +/- 7 and +/- 180 degrees spans and the patterns in the elevated plane are not plotted in 0-45 degrees range, as specified in §25.132(b)(1)(i).
- the vertical axis of the plots representing antenna gain is not scaled in decibels above isotropic but in decibels relative to the main bore gain, thereby interfering with our ability to calculate off-axis eirp for the proposed operation, and thus with our ability to make a determination whether the off-axis eirp is less than that which would result from a conforming antenna operating at the power limits specified in §25.211.

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<sup>1</sup> 47 C.F.R. §25.112.

The Bureau stated that if any application failed to include any of the required information, it would return the application without prejudice as being unacceptable for filing. See *International Bureau To Streamline Satellite And Earth Station Processing*, Report No. SPB-140, October 28, 1998. The Commission affirmed this policy last year in its *First Space Station Reform Order*. See *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). See also *Commission Launches Earth Station Streamlining Initiative, Public Notice*, DA 99-1259, 14 FCC Rcd 9834 (1999).

The Applicant may re-apply without incurring a second obligation to pay the application fee if the re-filed application rectifies the deficiencies noted herein. See section §1.1109 (d) of the Commission's rules, 47 C.F.R. §1.1109(d).

Accordingly, pursuant to the Commission's rules on delegated authority, 47 C.F.R. §0.261(a)(4), we find that Application File No. SES-LIC-2030529-00757 is incomplete and thus unacceptable for filing. We therefore dismiss this application without prejudice to refile.

Sincerely,



William Howden, Chief  
System Analysis Branch, Satellite Division

CC: Ivy Ching