

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
AvL TECHNOLOGIES)	
)	
Application for Earth Station Authority)	File No. SES-LIC-20030602-00727
In the Fixed-Satellite Service)	E030130
)	

PETITION TO DENY OF PANAMSAT CORPORATION

PanAmSat Corporation (“PanAmSat”), by its attorneys, hereby petitions to deny the above-referenced application (“Application”) of AvL Technologies (“AvL”). As discussed below, AvL should be required to supplement its Application with specific technical information demonstrating that its proposed non-standard antennas will be aligned to the degree it claims. Absent this showing, AvL’s Application should be denied.

DISCUSSION

AvL seeks a blanket earth station license to operate several VSAT Ku-band transmit/receive fixed-satellite service (“FSS”) antennas.¹ AvL proposes to use its blanket license to test and perform prospective customer demonstrations while operating its proposed antennas.²

¹ This petition is limited to the following antenna systems proposed by AvL: (a) 1.0 meter Model 1000 iSNG; (b) 0.96 meter Model 960 AvSAT; and (c) 0.75 meter Model iMoVSAT. AvL also proposes to operate a 1.2 meter Model 1200 MVSAT antenna that is not the subject of this petition. See Application FCC Form 312 at Schedule B.

² Application, FCC Form 312 at Schedule A (Items 43). See also Public Notice, Report No. SES- 00505, June 11, 2003.

Section 25.209(f) of the Commission's rules³ establishes special procedures for earth stations not conforming to the performance standards set forth in Sections 25.209(a) and (b).⁴ The Commission will not routinely authorize such nonconforming earth stations absent "a finding ... that unacceptable levels of interference will not be caused under conditions of uniform 2° orbital spacings."⁵

AvL acknowledges that its proposed 1.0, 0.96, and 0.75 meter antennas do not comply with the antenna gain patterns as required in Sections 25.209(a) and (b).⁶ For this reason, it provides a "technical justification" for each antenna in which it attempts to show that it will not cause unacceptable levels of interference under conditions of uniform two-degree orbital spacing.⁷ It asserts that its auto-acquisition system provides "precise pointing accuracy" and states it "believes strongly" that adjacent satellites will not be adversely affected.⁸

AvL's showing, however, is lacking critical information. Whether AvL's proposed operations pose an interference threat to adjacent satellites is dependent on the accuracy of its new auto-acquisition system, including its "patented Roto-Lok® drive system." However, it is impossible for the Commission, let alone PanAmSat, to

³ 47 C.F.R. § 25.209(f).

⁴ 47 C.F.R. § 25.209(a) and (b) (defining the required antenna performance standards for gain and off-axis cross polarization gain of any antenna employed in transmission from an earth station to a space station in the FSS).

⁵ *Id.*

⁶ See Application, FCC Form 312 Technical Justification for each of Models 1000, 960, and 750 ("Technical Justifications"). AvL does not request a waiver of any Commission rule.

⁷ 47 C.F.R. § 25.209(f). Even if AvL's antenna patterns were conforming, which they are not, AvL's Application would not be eligible for routine processing because the antenna diameters are smaller than 1.2 meters. See 47 C.F.R. § 25.212(c) ("In the 14 GHz band, an earth station with an equivalent diameter of 1.2 meters or greater may be routinely licensed for transmission of narrowband analog services with bandwidths up to 20kHz if the maximum power densities into the antenna do not exceed -8 dBW/4 kHz and the maximum transmitted satellite carrier EIRP density does not exceed 13 dBW/4kHz, and for transmission of narrowband and/or wideband digital services, if the maximum input power density into the antenna does not exceed -14 dBW/4 kHz and the maximum transmitted satellite carrier EIRP density does not exceed +6.0 dBW/4kHz").

⁸ Application at Technical Justifications. If AvL's request for "ALSAT" authority is granted, its proposed antennas could communicate with numerous satellites that are within two degrees of PanAmSat satellites.

make a proper evaluation regarding alignment without additional information about this system.

Accordingly, AvL should be required to supplement its Application with more specific technical information. Such a supplement should provide specific details about the auto-acquisition system and its Roto-Lok® drive system patent, including the patent itself. In addition, AvL should provide detailed information about its installation procedures, including whether a unit will be permanently attached to each respective antenna or whether each unit is removable. PanAmSat would not object to a grant of the Application to the extent AvL's supplement demonstrates, as proposed above, that its antennas will be aligned to within the accuracy asserted in its Application.

CONCLUSION

For the foregoing reasons, the Commission should deny AvL's Application unless AvL demonstrates, as indicated herein, that installation of its new auto-acquisition system will result in an accurately aligned antenna, consistent with its claims and the Commission's two-degree orbital spacing requirements.

Respectfully submitted,

PANAMSAT CORPORATION

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by first-class mail, postage prepaid, this 10th day of July 2003 to the following:

AvL Technologies
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/s/ Ryan N. Terry
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