



Federal Communications Commission
Washington, DC 20554

International Bureau

July 23, 2004

Mr. Stanley Edinger
Manager, Government Affairs
Loral Skynet
500 Hill Drive, P.O. Box 7018
Bedminster, NJ 07921-7018

Re: Application of Loral Spacecom Corporation for Earth Station, File No. SES-LIC-20040210-00282, Call Sign: E040105.

Dear Mr. Edinger:

On February 10, 2004, Loral Spacecom Corporation (Debtor-In-Possession) ("Loral DIP") filed an application for permanent authority for an Earth station in Hawley, Pennsylvania to communicate with ALSAT and the HISPASAT-1C satellite at the 30° W.L. orbital location, which is licensed by Spain, using the 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands.¹

The Commission at any time may request information regarding an application filed in accordance with Part 25 of the Commission's rules. (47 C.F.R. §25.111(a)). Also, Section 25.114(c) of the Commission's rules² requires all space station applicants to submit all applicable items of information listed in its subsections. This requirement applies to non-U.S.-licensed satellites seeking to provide service in the United States. Non-U.S.-licensed satellites may gain access to the U.S. market by either filing a petition to be added to the Commission's Permitted Space Station List or, as in the case of Loral DIP, by the filing of an earth station application to access the non-U.S.-licensed satellite. In its *First Space Station Reform Order*,³ the Commission emphasized that non-U.S.-licensed satellite operators seeking access to the U.S. market through the filing of earth station applications or by the filing of petitions for declaratory ruling to have their satellites 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. satellites.⁴

¹ Loral DIP was granted Special Temporary Authority (File No. SES-STA-20040309-00339) for testing purposes on March 10, 2004.

² 47 C.F.R. § 25.114(c).

³ *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) (*First Space Station Reform Order*); International Bureau To Streamline Satellite And Earth Station Processing, *Public Notice*, Report No. SPB-140, October 28, 1998 (emphasizing the obligation to comply with 47 C.F.R. § 24.114(c) and stating that applications that did not comply would be dismissed).

⁴ See *First Space Station Reform Order*, 18 FCC Rcd at 10872 (para. 300).

The Commission's policy is that applications must be substantially complete when filed.⁵ In its *First Space Station Reform Order*, the Commission stated that the procedures and rules it adopted will enable the Commission to establish 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.⁶ 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 its application, Loral DIP does not submit all of the technical information required by Sections 25.114(c) of the Commission's rules. Specifically, Loral has not provided the required link noise budget analysis required by Section 25.114(c)(8), nor has it demonstrated that the satellite is designed to operate within the $0.05 \pm$ degree station-keeping tolerance set forth in Section 25.114 (c)(9). Loral DIP has also failed to provide a two-degree spacing interference analysis, and a showing of non-harmful interference with respect to Intelsat 801 (31.5 W.L.), as required by Sections 25.114(c)(17) and 25.140⁷ of the Commission's rules. Finally, Loral DIP has not requested a waiver of Sections 25.114(c)(8), (c)(9), (c)(17).

Under normal circumstances, Loral DIP's failure to provide the required technical information would be grounds for dismissal of the application. We note, however, that on one prior occasion an earth station application was inadvertently granted allowing access to the Hispasat 1C satellite at the 30° W.L. orbital location without providing this information.⁸ In light of these circumstances, we will not dismiss the application, but will instead require that Loral DIP provide the missing information.

⁵ See note 3 *supra*.

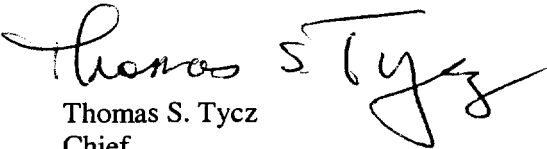
⁶ *First Space Station Reform Order*, 18 FCC Rcd at 10765-66 (para. 4).

⁷ See 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, 18 FCC Rcd 25099 (2003) (*Interference Analysis Public Notice*); International Bureau Satellite Division Information, Clarification of 47 C.F.R. § 25.140(b)(2) Space Station Application Interference Analysis, *Public Notice*, No. SPB-207, DA 04-1708 (rel. June 16, 2004) (providing guidance on the types of technical information that must be included in an interference analysis).

⁸ See Satellite Communications Services Information Report No. SES-00484 (March 26, 2003) (granting modification application of DC II, Inc., File No. SES-MOD-20020122-0004).

Consequently, Loral DIP is directed to respond to this letter and provide the missing information by amending its application by August 23, 2004. If Loral DIP fails to respond to this letter by filing amendment by August 23, 2004, the Commission may dismiss the application pursuant to Sections 25.112(c) and 25.152(b) of the Commission's rules.

Sincerely,

A handwritten signature in black ink that reads "Thomas S. Tycz". The signature is written in a cursive style with a large, sweeping initial "T" and a long, horizontal stroke extending to the right.

Thomas S. Tycz
Chief
Satellite Division