



International Bureau

Federal Communications Commission
Washington, DC 20554

DA 05-451

February 18, 2005

Mr. Ed Spitler
ARTEL, Inc.
1893 Preston White Drive
Reston, VA 20191

Re: Call Sign: E040325
File No. SES-LIC-20040804-01090

Dear Mr. Spitler:

On August 4, 2004, Artel, Inc ("ARTEL") filed the above-captioned application for authority to operate a Conventional Ku-Band¹ Earth Station in Honolulu, Hawaii to communicate with Japan's JCSAT-1B satellite at the 150° E.L. orbit location and all satellites authorized to serve the United States (ALSAT). A review of the application revealed the following deficiencies:

(1) Section 25.114(c) of the Commission's rules, 47 C.F.R. § 25.114(c), requires all space station applicants to submit all applicable items of information listed in its subsections. Section 25.137(b) of the Commission's rules, 47 C.F.R. § 25.137(b), states that applications for earth stations seeking to access a non-U.S.-licensed satellite, such as the JCSAT-1B, must include the same information as required in Section 25.114(c) for the foreign space station.² ARTEL did not supply link budgets or a two-degree spacing interference analysis for JCSAT-1B as required by Sections 25.114(c)(17) and 25.140 of the rules, 47 C.F.R. §§ 25.114(c)(7) and 25.140. Further, it did not submit Schedule S, as required by Section 25.114(a) of the Commission's rules, 47 C.F.R. § 25.114(a). Thus, we have no technical information before us on which to make a determination as to whether JCSAT-1B can operate compatibly with other satellites authorized to serve the United States.

(2) The Effective Isotropic Radiated Power (EIRP) specified in your application does not agree with that derived from the accompanying engineering data.

¹ The conventional Ku-band encompasses the 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands.

² See also Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, *Report and Order*, 12 FCC Rcd 24094 (1999), at para. 190.

Specifically, the "Max EIRP Per Carrier (E48)" is specified as 51.2 dBW, while Total EIRP derived from the "5 Watts Total Input Power at Antenna Flange (E38)" and "49.2 dBi Transmit Antenna Gain (E41/42)" is shown as 56.2 dBW.

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's Rules, 47 C.F.R. § 25.112(a)(1), we dismiss your application without prejudice to refiling.³

Sincerely,



Scott A. Kotler
Chief, Systems Analysis Branch
Satellite Division

³ If ARTEL refiles an application identical to the one dismissed, with the exception of supplying the missing and corrected information, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).