



International Bureau

Federal Communications Commission  
Washington, DC 20554

DA 05-1330

May 12, 2005

Mr. John W. Zucker Esq.  
American Broadcasting Companies, Inc.  
77 West 66<sup>th</sup> Street, 16<sup>th</sup> Floor  
New York, NY 10023-6229

Re: Call Sign: E050106  
SES-LIC-20050414-00454

Dear Mr. Zucker:

On April 14, 2005, American Broadcasting Companies, Inc. filed the above-captioned application for authority to operate a Temporary Fixed Earth Station in the Conventional Ku-Band<sup>1</sup> and Extended Ku-Band.<sup>2</sup> Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss this application as defective for failure to identify the specific points of communication for a non-conforming antenna in the conventional Ku-Band and for failure to identify specific points of communication in the extended Ku-band.

In Schedule B, you indicate the Permitted List as the point of communication and the antenna size of your earth station as 0.9 meter. Since 0.9 meter is smaller than the conforming antenna size of 1.2 meters for the conventional Ku-Band which is routinely licensed, your application must either identify specific satellites as the points of communication along with adjacent satellite operator affidavits for the use of the non-conforming antenna or, alternatively, you may select the Permitted List as the points of communication but must include a 2 degree compliance demonstration as specified in Section 25.209(f)<sup>3</sup> of the Commission's rules. In attachments to your application, you provided affidavits from Panamsat, Intelsat, and SES Americom which operate satellites immediately adjacent to the Galaxy XI at 91° W.L and/or SB-6 at 74° W.L. Since you selected Permitted List as the points of communication, we are unclear as to whether you only intend to communicate with Galaxy XI and SB-6 or whether you also intend to

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<sup>1</sup> 11700-12200 and 14000-14500 MHz bands.

<sup>2</sup> 13750-14500 MHz band.

<sup>3</sup> 47 C.F.R. § 25.209(f).

communicate with other satellites for which other adjacent satellite operator affidavits would also be required.<sup>4</sup>

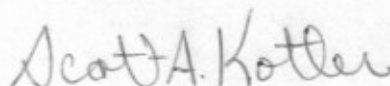
Additionally, your application requests authority to transmit in the 13.75-14.0 GHz band but does not specify the specific points of communication other than Permitted List. The Permitted List includes only geostationary satellites operating in the 3700-4200 MHz, 5925-6425 MHz, 11700-12200 MHz, and 14000-14500 MHz bands. Since neither the Galaxy XI nor the SB-6 satellites, discussed in attachments to your application, use the 13.75-14.0 GHz band, we are unclear as to which satellites are the points of communication for this earth station in this band. Therefore, your application is incomplete in regard to the use of the 13.75-14.0 GHz band.

Based on the foregoing reasons we dismiss the application as incomplete. However, we take this opportunity to apprise you of other concerns we have should you choose to refile the application.

We note that the Radiation Hazard Analysis submitted with your application is an analysis for a 0.8 meter antenna which is inconsistent with the 0.9 meter antenna stated in your application. If you choose to refile, we suggest that you revise this analysis to reflect a 0.9 meter antenna.

Accordingly, pursuant to Section 25.112(a)(1)<sup>5</sup> of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss your application as defective without prejudice to refiling.<sup>6</sup>

Sincerely,



Scott A. Kotler  
Chief, Systems Analysis Branch  
Satellite Division

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<sup>4</sup> In addition, we request, if you choose to refile, affidavits from potentially affected satellite operators which are separated by 6 degrees or less of the specific satellite you intend to communicate

<sup>5</sup> 47 C.F.R. § 25.112(a)(1). *See also* Echostar Satellite LLC, *Order on Reconsideration*, DA 04-4056 (released December 27, 2004).

<sup>6</sup> If American Broadcasting Companies, Inc., refiles an application identical to the one dismissed, with the exception of supplying the missing or corrected information, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).