



Federal Communications Commission  
Washington, D.C. 20554

DA 06-1338

June 28, 2006

Mr. Bruce A. Henoch, Esq.  
Shulman, Rogers, Gandal, Pordy, & Ecker  
11921 Rockville Pike  
Suite 300  
Rockville, MD 20852

Re: Call Sign: E060101  
File No.: SES-LIC-20060328-00528

Dear Mr. Henoch:

On March 28, 2006 RaySat, Inc. (RaySat) filed the above-captioned application for blanket authority to operate a mobile satellite service earth station network in the Conventional Ku-band.<sup>1</sup> RaySat seeks authority to use existing earth stations as its hub stations and up to four thousand 0.124-meter remote antennas mounted on top of vehicles. For the reasons discussed below, we dismiss the application as defective, without prejudice to refileing.

The 11.7-12.2 GHz band that RaySat requests to use is not allocated for Mobile Satellite Service (MSS). Thus, any request to use this frequency band for MSS requires a waiver of Section 2.106 of the Commission's rules, 47 C.F.R. § 2.106. Since RaySat did not seek a waiver of Section 2.106 to use the 11.7-12.2 GHz band for MSS, the application is incomplete.

While we dismiss the application on the above basis, we take the opportunity to apprise RaySat of other potential issues within the application.

If you choose to refile and request a waiver, RaySat may wish to address the power levels of the remote terminals. Based on our review of the application, the proposed off-axis EIRP density levels have the potential to cause harmful interference to other compliant satellites.

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<sup>1</sup> 11.7-12.2 GHz and 14.0-14.5 GHz.

Further, in response to Questions E56 through E59 of Schedule B, RaySat lists the minimum antenna elevation angle for the remote terminals as 0 degrees. Section 25.205 of the Commission's rules, 47 C.F.R. § 25.205, however, states that earth station antennas shall not be authorized for transmission at an angle that is less than 5 degrees measured from the horizontal plane to the direction of the maximum radiation.

In light of the above, pursuant to Section 25.112(a)(1)<sup>2</sup> of the Commission's rules and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss the application as defective without prejudice to refile.<sup>3</sup>

Sincerely,



Scott A. Kotler  
Chief, Systems Analysis Branch  
Satellite Division  
International Bureau

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<sup>2</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>3</sup> If RaySat refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).