



Federal Communications Commission  
Washington, D.C. 20554

DA 06-1994

October 5, 2006

Robert J. Berg, Jr.  
Pivotal Satellite Technologies, Inc.  
119 Herbert Street, Suite 101  
Framingham, MA 01702-8774

Re: Call Sign: E060348  
File No. SES-LIC-20060830-01651

Dear Mr. Berg:

On August 30, 2006, Pivotal Satellite Technologies, Inc. (Pivotal) filed the above-captioned application for authority to operate a mobile earth station that would communicate with ALSAT-designated satellites in portions of the extended and conventional Ku-Band.<sup>1</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.

Specifically, Form 312 Schedule B of the license application indicates that the only Points of Communication for the proposed earth station are ALSAT-designated satellites. Only those fixed-satellite service earth stations that are both two-degree compliant and operate in the 3700-4200 MHz, 5925-6425 MHz, 11.7-12.2 GHz, or 14.0-14.5 GHz bands can request ALSAT as a point of communication. Because Pivotal proposes operations in the 13.7-14.0 GHz band, the application must identify the specific satellite or satellites with which the proposed earth station seeks to communicate in this band.<sup>2</sup>

Additionally, we note that in response to Question 20 (Nature of Service) on the FCC 312 Main Form, Pivotal indicates that the proposed earth station is to operate in the secondary-allocated Mobile Satellite Service rather than the primary-allocated Fixed Satellite Service of the 14.0-14.5 GHz band. The use of the secondary allocation is inconsistent with the application which proposes ALSAT-designated satellites as a point of communication. The ALSAT designation may be used only for earth stations operating pursuant to the primary FSS allocation. Moreover, in response to Question 25 (Class of Station), Pivotal indicated that the proposed earth station is a Mobile Earth Terminal. This station class designation is appropriate only for terminals that transmit while in motion. If this terminal does not transmit while in motion, but is portable and transmits at various fixed locations for a period less than 6 months, its station class designation is a Temporary-Fixed Earth Station and operates in the primary-allocated Fixed Satellite Service.

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<sup>1</sup> 13.7-14.2 GHz band.

<sup>2</sup> Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Services in the United States, First Order on Reconsideration, IB Docket No. 96-111, 15 FCC Rcd 7207, 7214-16 (paras. 16-20).

Alternatively, if Pivotal plans to operate mobile earth terminals, we emphasize that the 13.7-14.0 GHz band is not allocated for this use.<sup>3</sup>

Further, in the application, Pivotal lists the value of the Maximum EIRP Density per Carrier for emission designator MCP001 as 24.91 dBW/4 kHz. This is less than and therefore inconsistent with the average value of 30.93 dBW/4 kHz we derive from the 9 megahertz bandwidth and the Maximum EIRP per Carrier value of 64.45 dBW. Given this inconsistency, we cannot determine the proposed emission power. Furthermore, we note that in response to Question E47, Pivotal lists an emission designator MCP001. Section 2.201(a) of the Commission's rules, 47 C.F.R. § 2.201(a), requires that emissions must be designated according to their classification and their necessary bandwidth. The emission designator Pivotal lists in the application does not conform to this rule.

Accordingly, pursuant to Section 25.112(a)(1) 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 this application without prejudice to refiling.<sup>4</sup>

Sincerely,



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

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<sup>3</sup> See 47 C.F.R. § 2.106.

<sup>4</sup> If Pivotal 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. Section 1.1109(d).