



Federal Communications Commission
Washington, D.C. 20554

DA 06-2428

November 29, 2006

Mr. John Johnston
The Boeing Company
PO Box 3707
Seattle, WA 98124-2207

Re: Call Sign E060404
File No. SES-LIC-20061106-01957
File No. SES-STA-20061106-01958

Dear Mr. Johnston:

On November 2, 2006, The Boeing Company (Boeing) filed the above-captioned applications seeking a license to operate a 1.2 meter mobile satellite service (MSS) earth station that would communicate with ALSAT-designated satellites using the conventional Ku-band¹ and extended Ku-band² frequencies. Boeing also filed a request for Special Temporary Authority to operate this earth station pending Commission action on the underlying license application. For the reasons stated below, we dismiss both applications as defective without prejudice to refile.

Specifically, Boeing indicates in the Form 312 Schedule B of the license application that Points of Communication for the earth station are ALSAT-designated satellites. Boeing also indicates in response to Question 20 (Nature of Service) on FCC Form 312 that the proposed earth station will operate in the Mobile Satellite Service. (If Boeing intended to operate a terminal that does not transmit while in motion, but is portable and transmits at various locations for periods less than six months; it should have classified the earth station as a "Temporary Fixed Earth Station".) Only earth stations operating in the fixed-satellite service that operate in the conventional C- or Ku-bands may request authority to operate with ALSAT-designated satellites.³ Because Boeing's proposed earth station will provide mobile satellite services and will operate in the extended Ku-band, Boeing cannot properly designate "ALSAT" satellites as the intended points of communication. Rather it must identify the specific satellite or satellites with which the proposed earth station seeks to communicate in this band.

¹ 14.0-14.5 GHz band.

² 13.75-14.0 GHz band.

³ 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).

Moreover, the 13.75-14.0 GHz band is not allocated for MSS. Boeing did not request a waiver of the Table of Frequency Allocations⁴ to permit this non-conforming use. Thus, Boeing's application is defective on these grounds.

Further, in response to Question 26 of FCC Form 312, Boeing indicated that it seeks a license for a Ku-band (12/14 GHz) Transmit/Receive earth station. However, Boeing did not include the Ku-receive frequency band in response to Question E43/44 of Schedule B. Therefore, the application is inconsistent with respect to the intended bands. Further, assuming that Boeing intended to include the 11.7-12.2 GHz receive band in response to Question E43/44, this band is not allocated for mobile satellite service. Thus, if Boeing seeks to operate in the mobile-satellite service, it would have been required to request a waiver of the U.S. Table of Frequency Allocations, 47 C.F.R. § 2.106, to allow it to use this band to receive MSS transmissions. Boeing did not request such a waiver. This, in itself, would have rendered the application incomplete and subject to dismissal.

Furthermore, footnote US356 of the U.S. Table of Frequency Allocations, 47 C.F.R. § 2.106, and Section 25.204(f) of the Commission's rules, 47 C.F.R. §25.204(f), both require a minimum antenna size of 4.5 meters and an EIRP between 68 and 85 dBW. Boeing's application seeks a 1.2 meter antenna operating with a maximum EIRP of 57.48 dBW for its 2M00F9W emission. Because Boeing did not include a request for a waiver of these rules, its application is defective on these grounds as well.

Finally, Boeing did not supply required information in Schedule B regarding the Total EIRP for all carriers (Question E40) nor the Maximum EIRP Density per Carrier (Question E49) rendering its application subject to dismissal as incomplete. Even if it had included this information, our calculations indicate that the EIRPs exceed the levels required for routine processing. Based on Boeing's responses on Schedule B regarding the Maximum EIRP per Carrier (Question E48), the bandwidth of the emission (Question E47), and the Gain of the Transmitting Antenna (Question E41/42), we calculate the average power spectral density at the input of the antenna flange to be -13.01 dBW/4 kHz. This exceeds the -14 dBW/4 kHz limit for a routinely authorized earth station in Section 25.212(c) of the Commission's rules, 47 C.F.R. §25.212(c). Thus, if Boeing chooses to refile this application at these power levels, it should also supply certifications from the target satellite operators for which intends to communicate as required in Section 25.220(e)(1) of the Commission's rules, 47 C.F.R. §25.220(e)(1).

⁴ See 47 C.F.R. § 2.106.

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 both applications without prejudice to refiling.⁵

Sincerely,



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

⁵ If Telenor 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).