



Federal Communications Commission  
Washington, D.C. 20554

DA 07-1193

March 9, 2007

Mr. Frank Jazzo  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17<sup>th</sup> Street  
11<sup>th</sup> Floor  
Arlington, VA 22209

Re: Call Sign E070024  
File No. SES-LIC-20070205-00184

Dear Mr. Jazzo:

On February 5, 2007, Sabil Uplink Communications, LLC (Sabil) filed the above-captioned application for authority to operate a new Conventional C-Band/Ku-Band<sup>1</sup> transmit-only Temporary-Fixed earth station. The application lists ALSAT-designated satellites as points of communication for the earth station. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss the application as defective without prejudice to refile.

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, that contains internal inconsistencies, or that does not substantially comply with the Commission's rules. Sabil's application contains an omission that renders it unacceptable and subject to dismissal. The deficiency is as follows:

Sabil lists ALSAT as the points of communication for this earth station. ALSAT may only be listed as the points of communication for routinely authorized earth stations.<sup>2</sup> Sabil's proposed earth station, however, does not conform to the Commission's routine processing standards. Specifically, in response to Question E49 on Schedule B, Sabil lists the Maximum EIRP density per carrier as 35.46 dBW/4kHz for the 36M0G7W digital emission. This corresponds to a power density at the input of the antenna flange of -13.54 dBW/4 kHz. This value exceeds the input power spectral density limit of -14 dBW/4 kHz for routinely authorized earth stations in Section 25.212(c) of the Commission's rules, 47 C.F.R. § 25.212(c). Therefore, Sabil may not designate ALSAT as a point of communication for the proposed digital emission. Rather, it must identify the specific satellites with which the earth station will communicate. Also, in accordance with Section 25.220(e)(1) of the Commission's rules, Sabil is required to include with the application a

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<sup>1</sup> 5925-6425 MHz and 14.0-14.5 GHz bands.

<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 7207-7210 n.19.

certification from each target satellite operator that the target operator has reached agreements with adjacent satellite operators regarding the non-routine operations. The application does not include these certifications.

While we dismiss the application on the above basis, we take the opportunity to apprise Sabil of another issue with the application should it choose to refile it.

Earth station applicants may file for a single earth station license with multiple antennas only when the proposed antennas are affixed near each other. To be eligible for a single earth station license, multiple C-Band antennas must be located within 1 geographical second of each other and multiple Ku-Band antennas must be located within 10 seconds of each other. In response to Question 25 of the Main Form, Sabil seeks authority to operate both antennas under one Temporary-Fixed Earth station license. Therefore, in any refiling, please confirm that the C-Band antenna will operate within 10 geographical seconds of the Ku-Band antenna.

In light of the above, 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 Sabil's application without prejudice to refiling.<sup>3</sup>

Sincerely,



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

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<sup>3</sup> If Sabil 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).