



Federal Communications Commission
Washington, D.C. 20554

DA 07-1653

April 6, 2007

Frank R. Jazzo, Esq.
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1300 North 17th Street
11th Floor
Arlington, VA 22209

Re: Call Sign E070041
File No.: SES-LIC-20070320-00378

Dear Mr. Jazzo:

On March 20, 2007, Hurst USA, Inc. (Hurst) filed the above-captioned application for authority to operate a transmit-only temporary fixed earth station with multiple antennas in the conventional C-band¹ and Ku-band² frequencies. Pursuant to Section 25.112(a) of the Commission's rules, 47 C.F.R. § 25.112(a), we dismiss this application as defective without prejudice to refile.³

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. Hurst's application contains several omissions and discrepancies that render it unacceptable and subject to dismissal. These deficiencies are as follows:

Hurst lists ALSAT as the points of communication for the temporary fixed earth station. Applicants may specify ALSAT as a point of communication only for earth stations that do not exceed routinely authorized power levels.⁴ In response to Question E49 on Schedule B, Hurst lists the maximum EIRP density per carrier for earth station antenna ID A2-Ku as 36.30 dBW/4 kHz. This value corresponds to a power density at the input of the antenna flange of -13.00 dBW/4 kHz. This value exceeds the maximum input power spectral density limit of -14.00 dBW/4 kHz for routinely authorized earth stations in Section 25.212(c) of the Commission's

¹ 5925-6425 MHz.

² 14.0-14.5 GHz.

³ If Hurst 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. § 1.109(d).

⁴ 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.

rules, 47 C.F.R. § 25.212(c). Therefore, Hurst may not designate ALSAT as a point of communication and must instead identify the specific satellites with which the earth station will communicate. Also, Section 25.220(e)(1) of the Commission's rules, 47 C.F.R. § 25.220(e)(1), requires applicants proposing non-routine earth stations to include with the application a certification from each target satellite operator that the target operator has reached agreements with adjacent satellite operators regarding the non-routine operations. Hurst's application does not include this certification.

In response to item E15 of Schedule B, Hurst indicates that the 2.4 meter antenna does not comply with the antenna performance standards in Sections 25.209(a) and (b) of the Commission's rules, 47 C.F.R. § 25.209(a) and (b). Pursuant to Section 25.132(b)(3) of the Commission's rules, 47 C.F.R. § 25.132(b)(3), fixed earth station antennas using the C or Ku-bands that do not comply the antenna performance standards must provide a copy of the antenna performance plots as specified in Section 25.132(b)(1) of the Commission's rules. Hurst's application did not include these antenna patterns.

While we dismiss the application on the above basis, we take the opportunity to inform Hurst 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, Hurst 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 Hurst's application without prejudice to refiling.

Sincerely,



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