

# TIGHE PATTON ARMSTRONG TEASDALE, PLLC

ATTORNEYS AT LAW

1747 PENNSYLVANIA AVENUE, N.W.

Third Floor

WASHINGTON, DC 20006-4604

TELEPHONE (202) 454-2800

FACSIMILE (202) 454-2805

www.tighepatton.com

STEPHEN L. GOODMAN  
WRITER'S DIRECT DIAL: (202) 454-2851  
EMAIL: sgoodman@tighepatton.com

FILED/ACCEPTED  
JUL - 7 2008  
Federal Communications Commission  
Office of the Secretary

July 7, 2008

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
c/o Natek, Inc.  
236 Massachusetts Avenue, NE  
Suite 110  
Washington, DC 20002

Re: Informal Comments on the Application of The Boeing Company; Call Sign  
E080128 -- File No. SES-LIC-20080527-00678

Dear Ms. Dortch:

SWE-DISH Satellite Systems, Inc. ("SWE-DISH"), pursuant to Section 25.154(b) of the Commission's Rules, 47 C.F.R. § 25.154(b), submits these informal comments on the application recently filed by The Boeing Company ("Boeing").<sup>1</sup> In that application, Boeing seeks a license for an AvL .96 meter satellite earth terminal (Model 965 KCB) in a temporary fixed station class, communicating with all satellites authorized to operate in the United States ("ALSAT"). SWE-DISH is filing these comments because it is not clear that grant of the application as presently structured would be consistent with the Commission's Rules.

In its application in response to Question E.15, Boeing indicates that "the proposed antenna(s) comply with the antenna gain patterns specified in Section 25.209(a) and (b) as demonstrated by the manufacturer's qualification measurement." In contrast, the manufacturer of The Boeing Company's antenna – AvL Technologies – applied for a license a few years ago for what appears to be a similar, .96 Meter antenna.<sup>2</sup> In that application, in response to Question

<sup>1</sup> The Boeing Company application appeared on Public Notice on June 4, 2008, Report No. SES-01038, June 4, 2008.


<sup>2</sup> AvL Technologies application, File No. SES-MOD-20040225-00277, Report No. SES-00593, April 7, 2004. The Commission subsequently granted that application, subject to several

Marlene H. Dortch  
Secretary  
July 7, 2008

E.15, AvL Technologies indicated that the antenna was “non-conforming,” and included in its application antenna radiation patterns and coordination affidavits from the potentially affected adjacent satellite system operators. In addition, AvL Technologies sought authority to communicate with specific satellites, rather than ALSAT.

The Boeing Company application thus appears to differ in significant respects from the previously-filed application submitted by the manufacturer of its satellite antenna. Under these circumstances, SWE-Dish believes the Commission must determine whether The Boeing Company needs to supplement its application with antenna patterns and/or coordination affidavits, before its application can be granted. Likewise, the Commission must determine whether the ALSAT designation would be appropriate for the .96 Meter antenna designated in the application. Finally, if the Commission determines that operations at a reduced power levels are necessary to conform with the rules, any such power limits should be made an explicit part of the license.

Sincerely,



Stephen L. Goodman  
Counsel for SWE-DISH Satellite Systems, Inc.

cc: Ron Center

---

conditions (including power levels reduced below the maximum permitted by the Commission's Rules). *AvL Technologies*, 19 FCC Rcd 22086 (2004).

## DECLARATION

I, Mark Steel, Vice President of Engineering of SWE-DISH Satellite Systems, Inc. ("SWE-DISH"), hereby declare under penalty of perjury that:

(1) I have read the foregoing Informal Comments submitted by SWE-DISH concerning the application of The Boeing Company;

(2) The facts and technical information set forth therein are true and correct to the best of my knowledge, information and belief.

Executed this 7<sup>th</sup> day of July, 2008.



---

Mark Steel  
Vice President of Engineering  
SWE-DISH Satellite Systems, Inc.