



Federal Communications Commission
Washington, D.C. 20554

DA 12-1541

September 27, 2012

Mr. Frank R. Jazzo, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street
11th Floor
Arlington, VA 22209

Call Sign: E120100
File No.: SES-LIC-20120611-00502

Dear Mr. Jazzo:

On June 11, 2012, Island Uplink Corp. (Island Uplink) filed the above-captioned application for a license of a new transmit-only Temporary-Fixed earth station operating in the conventional C-band frequencies to be located in San Juan, Puerto Rico.¹ For the reasons listed below, we dismiss the application without prejudice to refile.²

Section 25.112(a) of the Commission's rules, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules.³ Island Uplink's application is incomplete and does not comply with the Commission's rules, which renders it unacceptable and subject to dismissal. The deficiencies in the application are as follows:

In response to item E21 in Schedule B of FCC Form 312 (Schedule B), Island Uplink lists "ALSAT" as the proposed point of communication for its earth station. Earth station applicants may designate ALSAT as a point of communication only in cases where the earth station is eligible for routine processing.⁴ An earth station proposing to operate in the conventional C-band must comply with Section 25.212(c) or, in the alternative, with Section 25.218 to be processed

¹ The conventional C-band encompasses the 5925-6425 MHz uplink frequencies.

² If Island Uplink refiles an application identical to the one dismissed, with the exception of supplying the missing information, it need not pay an application fee. *See* 47 C.F.R. § 1.1111(d).

³ 47 C.F.R. § 25.112(a)(1-2).

⁴ *See* 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, IB Docket No. 96-111, First Order on Reconsideration, 15 FCC Rcd 7207 (1999), at 7213 ¶13 (stating that licenses for "routine" earth stations providing fixed-satellite service in the conventional C-band Ku-band may specify "ALSAT" as authorized points of communication, and noting that a "routine" earth station is one that operates consistently with the technical requirements of Part 25).

routinely.⁵ Applicants proposing an earth station that does not qualify for routine processing must identify specific satellites as proposed points of communication.

Island Uplink's proposed 4.1 meter antenna does not qualify for routine processing under Section 25.212(c) of the Commission's rules.⁶ Thus, Island Uplink must demonstrate that the antenna, which will carry digital signals in the conventional C-band, complies with the off-axis effective isotropically radiated power (EIRP) limits in Section 25.218(d) to be eligible for routine processing. To make this demonstration, an applicant must submit the off-axis EIRP tables described in Section 25.115(h) of the Commission's rules.⁷ Island Uplink's application did not contain these tables. Consequently, we cannot find that Island Uplink's proposed 4.1-meter antenna is eligible for routine processing pursuant to Section 25.218. Island Uplink cannot, therefore, propose "ALSAT" as a point of communication for this antenna. Because Island Uplink's application is not eligible for routine processing, if Island Uplink chooses to re-file, it must include with its application certifications from potentially affected adjacent satellite operators.⁸

Island Uplink's application is also missing required technical information. In particular, Island Uplink failed to respond to items E56 and E58 in the Schedule B, which pertain to Earth station azimuth angle of Eastern and Western limit. Island Uplink's failure to provide this information renders its application defective.

Accordingly, pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, we dismiss the application of Island Uplink, Corp. without prejudice to re-filing.

Sincerely,


for Paul E. Blais
Chief, Systems Analysis Branch
Satellite Division
International Bureau

⁵ 47 C.F.R. §§ 25.212(c) and 25.218. See 2000 Biennial Regulatory Review – Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing Of, and Spectrum Usage By, Satellite Network Earth Stations and Space Stations, IB Docket No. 95-117, Eighth Report and Order On Reconsideration, 23 FCC Rcd 15099 (2008), at 15100 ¶¶ 2-3 and 15144 ¶ 108 (extending routine licensing to small antennas that meet specified off-axis effective isotropically radiated power (EIRP) envelopes).

⁶ 47 C.F.R. § 25.212(c).

⁷ 47 C.F.R. § 25.115(h).

⁸ See 47 C.F.R. § 220(d).