



Federal Communications Commission
Washington, D.C. 20554

DA 13-1465

June 28, 2013

Ms. Junan Gibson
Turner Broadcasting System Inc.
One CNN Center
Atlanta, GA 30303

junan.gibson@turner.com

Call Sign: E130013
File No.: SES-LIC-20130116-00055

Dear Ms. Gibson:

On January 16, 2013, Turner Broadcasting System Inc. (Turner Broadcasting) filed the above-captioned application for a fixed earth station in Atlanta, GA, to communicate with ALSAT designated satellites in the 3700-4200 MHz (space to Earth) and 5925-6425 MHz (Earth to space) frequency bands using a 9.1 meter antenna, model ViaSat 8009A. For the reasons stated below, we dismiss the application as defective without prejudice to re-filing.¹

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. For the reasons explained below, we dismiss the application without prejudice to re-filing.¹

- Only earth stations that meet routine licensing criteria may be granted ALSAT as a point of communication.² In item E48 of Schedule B to FCC Form 312, Turner Broadcasting lists the maximum Equivalent Isotropic Radiated Power (eirp) level per carrier as 83.50 dBW for the analog emission designator 36M0F3F. Consequently, the input power at the antenna flange would be 29.7 dBW,³ a level that exceeds the 26.5 dBW input power limit for routine analog video modulation specified in Section 25.211(d)(1) of the

¹ If Turner Broadcasting re-files 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. § 1.1111(d).

² See, e.g. Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, *Order on Reconsideration*, 15 FCC Rcd 7207 (para. 13) (1999) (*DISCO II Order*) (re-iterating that routine earth stations in the C- and Ku-band – that is, earth stations that operate consistently with the technical requirements of Part 25 of the Commission's rules are typically licensed to communicate with all U.S. licensed satellites operating in these bands). See also Telesat Canada, Petition for Declaratory Ruling For Inclusion of ANIK F1 on the Permitted Space Station List, *Order*, 15 FCC Rcd 24828 (para. 15) (2000); Telesat Canada, Petition for Declaratory Ruling For Inclusion of ANIK F1 on the Permitted Space Station List, *Order*, 16 FCC Rcd 16365 (para.7) (2001).

³ Proposed eirp level (83.5 dBW) minus antenna transmit gain (53.8 dBi) equals 29.7 dBW.

Commission's rules, 47 C.F.R. §25.211 (d)(1). Analog transmissions in the Fixed-Satellite Service proposing to use power into the antenna in excess of that specified in Section 25.211(d) cannot be routinely licensed and must comply with the procedures set forth in Section 25.220 of the Commission's rules, 47 C.F.R. §§25.211 and 25.220. Turner Broadcasting does not, however, provide the certification required by Section 25.220 (d)(1)(i) through (d)(1)(iv) of the Commission's rules, 47 C.F.R. §25.220 (d)(1)(i) through (d)(1)(iv) and its application is therefore incomplete.

- Turner Broadcasting does not identify specific satellites as points of communication, as required by Section 25.130(a)(1) of the Commission's rules, 47 C.F.R. § 25.130(a)(1).
- In item E56 of Schedule B to FCC Form 312, Turner Broadcasting provides antenna elevation angles and azimuth angles that do not match our calculations based on the earth station's latitude and longitude. Therefore, Turner Broadcasting must supply, if it re-files for an authorization, appropriate values for the antenna elevation angle and earth station azimuth angle for which it intends to communicate.

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 the application, without prejudice to re-filing.

Sincerely,



Paul E. Blais
Chief, Systems Analysis Branch
Satellite Division
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