



Federal Communications Commission
Washington, D.C. 20554

January 19, 2016

DA 16-65

Mr. Lawrence M. Miller
Schwartz, Woods & Miller
1233 20th St. NW
Washington, DC 20036-7322
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Call Sign: E150143
File No.: SES-LIC-20151203-00911

Dear Mr. Miller:

On December 3, 2015, Bates Technical College ("Bates") filed the above-captioned application for a transmit-only, temporary-fixed earth station license, to operate in various locations throughout the continental United States, and communicate with the Permitted List satellites in the 14.0-14.5 GHz frequency band. 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 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, contains internal inconsistencies, or does not substantially comply with the Commission's rules. Bates' application does not comply with the Commission's rules, which renders it unacceptable and subject to dismissal. The deficiencies are as follows:

- Question 28 of the FCC 312 Main Form indicates that a radiation hazard study must accompany all applications as an exhibit for new transmitting facilities. Bates' application did not include this required exhibit.
- In Item E48 of Schedule B, Bates lists 35.42 dBW/4kHz as the maximum eirp density per carrier for emission designator 36M0G7W. Based on that information, we calculate the power density at the input of the antenna flange as -13.48 dBW/4kHz. That value exceeds the routine licensing limit of -14.0 dBW/4kHz that is established in Section 25.212(c)(2) of the Commission's rules, 47 C.F.R. § 25.212(c)(2). As the result, Bates' application does not meet the Commission's routine licensing criteria for authority to communicate with the Permitted Space Station List.²

¹ If Bates 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. § 1.1111(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).

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 Bates' application without prejudice to re-filing.

Sincerely,

A handwritten signature in blue ink that reads "Paul E. Blais". The signature is written in a cursive style with a large initial "P".

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