



Federal Communications Commission
Washington, D.C. 20554

DA 05-2486

September 21, 2005

Carlos M. Nalda
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, NW
Suite 900
Washington, DC 20004

Re: Call Sign: E000723
File No. SES-MFS-20050701-00853

Dear Mr. Nalda:

On July 1, 2005, The Boeing Company (Boeing) filed the above-captioned application to modify its existing conventional Ku-Band¹ license to add, among other things, the SN-4 (Spacenet 4) satellite at 172° E.L., AMC-23 satellite at 172° E.L., INTELSAT 605 satellite at 174° E.L., NSS-5 satellite at 177° W.L., and AMC-6 satellite at 72° W.L., as new Points of Communication using the conventional Ku-Band and extended Ku-Bands.² Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss this application in part as defective because of inconsistencies in frequency bands for certain Points of Communication.

Your application requests authority for this earth station to receive transmissions in the 12.2-12.75 GHz band from NSS-5. NSS-5, however, is not capable of transmitting in the 12.2-12.5 GHz band. Similarly, you request authority to receive transmissions from SN-4 in the 11.45-11.7 and 12.2-12.75 GHz bands. SN-4 does not have the capability or authority to transmit in these bands. Thus, we dismiss that portion of your application that seeks authority to operate with the NSS-5 and SN-4 since we cannot determine the frequencies on which you intend to operate.

While we dismiss the application in part on the above basis, we take the opportunity to apprise you of other concerns we have should Boeing choose to re-file the application.

Since your application did not include information similar to that required by Schedule S,³ we have insufficient technical information before us on which to make a determination as to whether NSS-5's 12.5-12.75 GHz band operations are compatible with those of other satellites. Therefore, if you choose to refile your application with regard to NSS-5 in the 12.5-12.75 GHz

¹ 11.7-12.2 and 14.0-14.5 GHz.

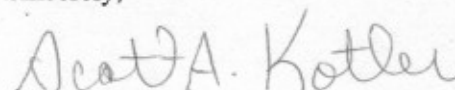
² 10.95-11.2, 11.45-11.7, and 12.2-12.75 GHz.

³ See 47 C.F.R. §§ 25.114(a), 25.137(b).

band, we request you provide information required by Schedule S. Alternatively, you may provide information similar to what Boeing filed in its previous modification application (File No. SES-MOD-20040301-00304) to demonstrate compatibility with adjacent satellite operations.⁴

Accordingly, pursuant to Section 25.112(a)(1)⁵ 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 your application in part to the extent stated above without prejudice to refile.⁶ We will continue to process the remaining portions of your application.

Sincerely,



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

⁴ See Letters from Philip L. Malet and Carlos M. Nalda, Counsel for the Boeing Company, to Marlene H. Dortch, Office of the Secretary, Federal Communications Commission (September 1, 2004, September 9, 2004, and April 26, 2005).

⁵ 47 C.F.R. Section 25.112(a)(1). See also EchoStar Satellite LLC, *Order on Reconsideration*, DA 04-4056 (released December 27, 2004).

⁶ If Boeing refiles an application identical to the one dismissed, with the exception of supplying the missing and corrected information, it need not pay an application fee. See 47 C.F.R. Section 1.1109(d).