



Federal Communications Commission
Washington, D.C. 20554

DA 07-3424

July 27, 2007

Mr. Javed Iqbal
HDTV.LTD
272 Van Name Ave
Staten Island, NY 10303-2537

Re: Call Sign: E040456
File No. SES-MFS-20070719-00966

Dear Mr. Iqbal:

On July 19, 2007, HDTV LTD. (HDTV) filed the above-captioned application to modify the license for earth station call sign E040456. HDTV requests authority to add a 3.8 meter antenna that will use the Ku-Band and communicate with the Amazonas-1 satellite. For the reasons discussed below, we dismiss the application, as defective, without prejudice to refile.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. HDTV's application does not comply with the Commission's rules, and is therefore unacceptable and subject to dismissal. The deficiencies are as follows:

Question 28 of Form 312 indicates that a radiation hazard study must accompany all applications as an exhibit for major modifications such as the one proposed.² HDTV's application did not include this required exhibit.

In addition, HDTV did not provide responses to Questions E43-E60 of Schedule B regarding specific frequency bands, antenna polarization, emission designators, maximum EIRP per carrier, maximum EIRP density per carrier, modulation and services, elevation and azimuth angles, satellite arc, and maximum EIRP density toward the horizon. In addition, HDTV did not provide a response to Question E41/42 regarding transmit and receive antenna gains. Therefore, the application is incomplete and subject to dismissal on this basis. Further, in response to Question 24 of Form 312, HDTV indicates that the Ku-Band frequencies will be within the 13.75-14.5 GHz band. Footnote US356 of the U.S. Table of Frequency Allocations, 47 C.F.R. § 2.106, and Section 25.204(f) of the Commission's rules, 47 C.F.R. § 25.204(f), require earth stations operating in the 13.75-14.0 GHz band to have an antenna size of at least 4.5 meters. Therefore, if HDTV chooses to refile this application and use a 3.8 meter antenna for operations in the 13.75-


¹ If HDTV 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. § 1.1109(d).

² 47 C.F.R. § 1.1307(b).

14.0 GHz band, it must request a waiver of footnote US356 of the U.S. Table of Frequency Allocations and Section 25.204(f) of the Commission's rules. In addition, if HDTV will be seeking authority to receive in the 10.7-11.7 GHz band additional information pursuant to Section 25.203 of the Commission's rules, 47 C.F.R. §25.203, will also be necessary.

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 HDTV's application without prejudice to refiling.

Sincerely,

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