



Federal Communications Commission
Washington, D.C. 20554

DA 08-2711

December 16, 2008

Susan H. Crandall
Intelsat North America LLC
3400 International Drive, N.W.
Washington, DC 20008-3006

Re: Call Sign E020169
File No. SES-MFS-20081201-01521

Dear Ms. Crandall:

On December 1, 2008, Intelsat North America LLC (Intelsat) filed an application to modify its license for a fixed earth station in Nuevo, CA. In the application, Intelsat seeks to communicate with the Intelsat 805 satellite at 304.5° E.L. in the 3400-3625 and 6425-6604 MHz bands. For the reasons discussed below, we dismiss the portion of the application that pertains to the 3400-3600 MHz band application as defective, without prejudice to refileing.

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. Pursuant to the U.S. Table of Frequency Allocations in Section 2.106 of the Commission's rules, 47 C.F.R. § 2.106, the 3400-3600 MHz band is not allocated to any satellite service. Therefore, Intelsat's proposed use of the 3400-3600 MHz band does not comply with the Commission's rules.¹ Further, Intelsat did not request any waivers or exemptions from any of the Commission's Rules.

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 3400-3600 MHz portion of Intelsat's application without prejudice to refileing.²

Sincerely,

A handwritten signature in cursive script that reads "Scott A. Kotler".

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

¹ See also 47 C.F.R. § 2.102(a).

² If Intelsat refiles an application in which the deficiencies identified in this letter have been corrected but otherwise identical to the one dismissed, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).