



Federal Communications Commission
Washington, D.C. 20554

DA 09-818

April 10, 2009

Frank R. Jazzo, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street
11th Floor
Arlington, VA 22209

Re: Call Sign E990019
File No. SES-MFS-20090106-00002

Dear Mr. Jazzo:

On January 6, 2009, American Samoa License, Inc. (American Samoa) filed the above-captioned application to modify its license to operate in the conventional C-band¹ by adding a 7.3 meter C-band antenna and additional emissions. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss without prejudice to refiling the portion of the application that seeks to use the 51K2G7W emission.²

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. A portion of American Samoa's application is internally inconsistent, which renders it unacceptable and subject to dismissal. The deficiency is as follows:

In response to item E49 of Schedule B, American Samoa lists the maximum EIRP density per carrier for emission designator 51K2G7W of the transmit frequency as 38.79 dBW/4 kHz. This value is less than, and therefore inconsistent with, the average value of 67.26 dBW/4kHz that we calculate using the EIRP value of 78.33 dBW American Samoa provides in response to item E48 and the bandwidth of 51.2 kHz of the corresponding emission American Samoa provides in response to item E47 of Schedule B. Given this inconsistency, we cannot determine the proposed emission power for this emission designator. Thus, the portion of American Samoa's application pertaining to emission designator 51K2G7W in the 5925-6425 MHz band is defective.

¹ The conventional C-band encompasses the 3700-4200 MHz and 5925-6425 MHz frequency bands.

² If American Samoa 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).

Accordingly, pursuant to Section 25.2112(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 as being defective without prejudice to refiling.

Sincerely,



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