



Federal Communications Commission
Washington, D.C. 20554

July 9, 2013

DA 13-1535

Mr. Raul Magallanes
Harris Corporation
1025 West Nasa Blvd.
Melbourne, FL 32919

raul@rmtelecomlaw.com

Call Sign: E080150
File No.: SES-MFS-20121214-01101

Dear Mr. Magallanes:

On December 14, 2012, Harris Corporation (Harris) filed the above-captioned application to modify its authority for a fixed earth station operating in the 3700-4200 MHz and 5925-6425 MHz frequency bands.¹ The application proposes to modify the existing authorization by adding (1) a new 3.8-meter antenna manufactured by Patriot, (2) two new points of communication,² and (3) new emission designators. 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.³

Section 25.112(a) of the Commission's rules 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, 47 C.F.R. § 25.112(a). For the reason explained below, Harris's application is incomplete and does not substantially comply with the Commission's rules.

- Harris's application does not provide the model number of the Patriot antenna that it seeks to add, as required by item 47 of Schedule B of Form 312.
- Harris continues to list "ALSAT" as a desired point of communication, in addition to the two new points of communication. However, only earth stations that meet routine licensing criteria may be authorized with ALSAT as a point of communication.⁴ The size

¹ IBFS File No. SES-LIC-20080627-00855.

² Harris seeks to add AMC-9 at 83 °W.L and Estrela Do Sul 2 at 63° W.L. as points of communication.

³ If Harris re-files 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).

⁴ *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

of the requested 3.8-meter antenna does not meet the requirements for routine processing established in Section 25.212 (d)(2) of the Commission's rules, 47 C.F.R. § 25.212(d)(2).

If Harris chooses to re-file its application, please note that earth stations that do not qualify for routine processing under Section 25.212(d)(2) may still be licensed if:

(1) the proposed earth station antenna is listed on the FCC's List of Approved Non-Routine Earth Station Antennas⁵ and will offer the same kinds of services as a previously authorized antenna and will operate with the same or substantially similar parameters; or

(2) the proposed earth station complies with the applicable off-axis effective isotropic radiated power (eirp) envelope set forth in Section 25.218 of the Commission's rules, 47 C.F.R. § 25.218, as demonstrated by data submitted in accordance with Section 25.115(h) Commission's rules, 47 C.F.R. § 25.115(h); or

(3) the proposed earth station complies with the requirements set forth in Section 25.220 of the Commission's rules, 47 C.F.R. § 25.220, for non-conforming earth station operations.

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(a)(4) of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261(a)(4), we dismiss the application without prejudice to re-filing.

Sincerely,

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

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).

⁵ The List of Approved Non-Routine Earth Station Antennas is available online at <http://transition.fcc.gov/ib/sd/nresa/#>.