

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Globecomm Systems, Inc.
Application for Modification
of Earth Station License
Call Sign: E990402

ORDER ON RECONSIDERATION

Adopted: May 13, 2005

Released: May 16, 2005

By the Chief, Satellite Division, International Bureau:

I. INTRODUCTION

1. In this Order, we grant the 2002 petition filed by Globecomm Systems, Inc. (Globecomm), seeking reconsideration of our dismissal of an earth station modification application. Specifically, we find that Globecomm has shown that its proposed operations will adequately protect U.S. Government operations in the band. We therefore reinstate the application.

II. BACKGROUND

2. Globecomm is licensed to operate an earth station in Hauppauge, New York. In April 2000, Globecomm filed a modification application proposing to add a non-U.S.-licensed satellite, Hispasat 1C, as a point of communication in its license, and to communicate with that satellite in the 13.75-14.0 GHz band. Globecomm also proposed operating at an equivalent isotropically radiated power (EIRP) of 72 dBW per carrier. While that application was pending, Globecomm requested and received Special Temporary Authority (STA) to communicate with Hispasat 1C on a non-harmful interference basis at an EIRP less than 68 dBW. In granting the STA, we also granted Globecomm's request for waiver of Section 25.204(f) of the Commission's rules, to allow it to operate at less than 68 dBW in the 13.75-14.0 GHz band.

1 Globecomm Petition for Reconsideration, filed July 24, 2002 (Globecomm Petition).

2 See SES-MOD-20000420-00658.

3 47 C.F.R. § 25.204(f).

4 See SES-STA-20010503-00841

3. The 13.75-14.0 GHz band is a shared Government/non-Government band.⁵ In June 2002, the Satellite Division (Division) dismissed Globecomm's modification application without prejudice, based on a letter from the National Telecommunications and Information Administration (NTIA) concluding that Globecomm's proposed communications with Hispasat 1C would not adequately protect U.S. Navy radiolocation receivers.⁶ However, the Division has renewed Globecomm's STA several times, and Globecomm continues to operate at less than 68 dBW pursuant to STA.⁷

4. In its petition for reconsideration, Globecomm argues that NTIA's analysis did not adequately take into account the terrain surrounding Globecomm's Hauppauge, New York earth station. According to Globecomm, when that terrain is considered, its operations would adequately protect U.S. Navy radiolocation receivers.⁸ Therefore, Globecomm requests that the Division reinstate and grant its modification application.⁹

III. DISCUSSION

5. We have reviewed the technical analysis in Globecomm's petition and find that Globecomm has now demonstrated that its proposed communications with Hispasat 1C at an EIRP of 72 dBW per carrier will adequately protect U.S. Navy radiolocation receivers.¹⁰ We have coordinated Globecomm's petition with NTIA, and NTIA agrees that Globecomm's operations should not cause harmful interference to U.S. Navy operations. NTIA asks us, however, to require Globecomm to provide a point of contact to the U.S. Navy, so that Globecomm could cease operations immediately upon request from the U.S. Navy.¹¹ Therefore, we conclude that we can grant Globecomm's petition for reconsideration and reinstate the modification application.¹²

IV. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED, pursuant to Sections 1.106 and 0.261 of the Commission's rules, 47 C.F.R. §§ 1.106, 0.261, that the Petition for Reconsideration filed by

⁵ See 47 C.F.R. § 2.106.

⁶ Letter from Thomas S. Tycz, Chief, Satellite Division, Federal Communications Commission, to Jason S. Robert, Attorney for Globecomm, dated June 28, 2002 (*June 28 Letter*).

⁷ The Division most recently renewed Globecomm's STA in March 2005. See SES-STA-20050323-00345. This STA will expire on June 12, 2005.

⁸ Globecomm Petition at 3.

⁹ Globecomm Petition at 3-4.

¹⁰ Globecomm Petition at Exhibit.

¹¹ Memo from Thomas F. Woods Jr., NTIA, to Kathryn S. Hosford, dated April 18, 2005.

¹² In a separate proceeding, we will determine whether Globecomm's modification request raises any issues in addition to the Government/non-Government sharing issue addressed in this Order on Reconsideration.

Globecomm Systems, Inc. IS GRANTED, and Application File No. SES-MOD-20000420-00658 relating to earth station call sign E990402 IS REINSTATED.

FEDERAL COMMUNICATIONS COMMISSION

Thomas S. Tycz
Chief
Satellite Division
International Bureau