



Federal Communications Commission
Washington, D.C. 20554

January 26, 2004

Cary McDaniel
Sr. Applications Engineer
WilTel Communications
1802 Briarcliff Road
Atlanta, GA 30329

Re: Earth Station Application SES-MOD-20031029-01520 callsign E030129

Dear Mr. McDaniel:

On October 29, 2003, WilTel Communications (WilTel) filed an Earth Station modification application listed in the caption above to access Russia's Express 3-A geostationary orbit (GSO) satellite in the C-band, at the 11° W.L. orbital location. For the reasons discussed below, we dismiss the application as incomplete.

As early as 1998, the International Bureau emphasized that space station applications "must include the information required in Section 25.114 of the Commission's rules," 47 C.F.R. §25.114. In particular, the Bureau stated that if any application failed to include any of the required information, it would return the application without prejudice as being unacceptable for filing. *See International Bureau To Streamline Satellite And Earth Station Processing*, Report No. SPB-140, October 28, 1998. The Commission affirmed this policy last year in its *First Space Station Reform Order*. *See Amendment of the Commission's Space Station Licensing Rules and Policies, First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10852 (para. 244) (2003). The Commission further emphasized in that Order, that non-U.S.-licensed satellite seeking access to the U.S. market will be required to provide the same technical information regarding the foreign satellites as U.S. satellite license applicants provide for proposed U.S. satellites.¹

In its application, WilTel does not submit all of the technical information required by Sections 25.114 (c)(5), (c)(8), (c)(10), (c)(12), (c)(17)² of the Commission's rules, 47 C.F.R. §25.114. Consequently, the application is defective under Section 25.114(b) of the rules and must be returned pursuant to Section 25.112 (a).

¹ See *First Space Station Reform Order*, 18 FCC Rcd at 10872 (para.300).

² See Public Notice In re Int'l Bureau Satellite Div. Info, 2003 WL 22850140 (F.C.C., Dec 03, 2003) (NO. DA 03-3863).

Accordingly, pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261(a)(4), we find that Application File No. SES-MOD-20031029-01520 is incomplete and thus unacceptable for filing. We therefore dismiss this application without prejudice to refiling.³

Sincerely,

William Howden,
Chief, Systems Analysis Branch,
Satellite Division, International Bureau

³ We note that WiTel Communications would not be charged an application fee if the referenced applications were refiled with the required information. See 47 C.F.R. §1.1109(d).