



Federal Communications Commission
Washington, D.C. 20554

DA 07-3591

August 13, 2007

Mr. Stephen D. Baruch
Leventhal Senter & Lerman PLLC
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006

Re: Call Sign E060382
File No. SES-MOD-20070802-01029

Call Sign E060383
File No. SES-MOD-20070802-01030

Dear Mr. Baruch:

On August 2, 2007 HNS License Sub, LLC (HNS) filed the above-captioned applications seeking authority to modify two licensed earth stations to increase the equivalent isotropically radiated power (eirp) transmitted in the 29.5-29.515 GHz band. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss both applications as defective without prejudice to refile.¹

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. HNS's applications are internally inconsistent, rendering them unacceptable and subject to dismissal. The deficiency is as follows:

In response to item E49 of Schedule B, HNS lists a maximum eirp density per carrier for emission designator 600KF9D as 35.3 dBW/4 kHz. This value is less than, and therefore inconsistent with, the

¹ If HNS 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).

average value of 50.54 dBW/4 kHz that we calculate using the eirp value of 72.3 dBW HNS provides in response to item E48 and the 600 kHz bandwidth. Given this inconsistency, we cannot determine the proposed emission power.

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 HNS's applications without prejudice to refiling.

Sincerely,

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