



Federal Communications Commission  
Washington, D.C. 20554

DA 08-1527

June 27, 2008

George Wazeter  
Telesat Network Services, Inc.  
500 Hills Drive  
Bedminster, NJ 07921-1538

Re: Call Sign E980149  
File No: SES-MOD-20071101-01496  
SES-AMD-20080331-00392

Re: Call Sign E990081  
File No: SES-MOD-20071101-01502  
SES-AMD-20080331-00391

Dear Mr. Wazeter:

On November 1, 2007, Telesat Network Services, Inc. (Telesat) filed the above-captioned applications to modify the licenses of Ku-band<sup>1</sup> earth station call sign E980149 and E990081 to change its remote control point. Subsequent to the filing of the modification application, Telesat filed amendments to its modifications, to request authority to change from an authorization for two temporary-fixed earth stations to two fixed earth station authorizations in Mount Jackson, VA, and to add emission designators.<sup>2</sup> Pursuant to Section 25.112(a)(2), we dismiss as defective without prejudice to refiling the portion of the amended applications that seek to operate in the 10.95-11.2 GHz and 11.45-11.7 GHz bands.<sup>3</sup> In addition, we dismiss as defective the portion of the amended application for call sign E980149 that seeks to operate the 1M64G7W and 76K8G7W emissions.

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 Telesat's applications do not comply with the Commission's rules, which renders it unacceptable and subject to partial dismissal. The deficiencies are as follows:

With respect to both amended applications, we note that the 10.7-11.7 GHz band is shared on a co-primary basis with the Fixed Service. Section 25.203(c) of the Commission's rules, 47 C.F.R.

<sup>1</sup> 10.95-11.2, 11.45-11.7, 11.7-12.2, and 14.0-14.5 GHz frequencies.

<sup>2</sup> 1M64G7W, 76K8G7W, and 13M8G7W.

<sup>3</sup> If Telesat 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).

§ 25.203(c), requires fixed earth station applicants seeking authority to use this band to submit a Frequency Coordination Report with respect to Fixed Service operations. In response to Question E18 of both amended applications, however, Telesat claims that frequency coordination is not required, and did not submit a Coordination Report. However, Telesat does not explain the basis for its claim in its application. In particular, Telesat does not explain on what basis we could issue a license to Telesat without a Frequency Coordination Report that would include protection from harmful interference in the 10.7-11.7 GHz band at the two Mount Jackson, VA, locations at which it plans to operate its fixed earth stations. Accordingly, in the event that Telesat chooses to file another application seeking authority to operate a fixed earth station in the 10.95-11.2 GHz and 11.45-11.7 GHz band at either Mount Jackson, VA, location, we recommend that it either (a) include a Frequency Coordination Report for the portions of the 10.7-11.7 GHz band in which it plans to operate, (b) provide a more detailed explanation of its contention that a frequency coordination report is not required, or (c) include a request for waiver of the coordination requirement in its application.

In addition to the issue discussed above, we observe that there are further discrepancies in the amended application for call sign E980149. In response to item E21 of Schedule B of the amendment for call sign E980149, Telesat lists ALSAT-designated satellites as the earth station's only intended points of communication. Earth station applicants may not use the ALSAT designation in cases where the earth station's power density exceeds the limits in Section 25.212(c) of the Commission's rules, 47 C.F.R. § 25.212(c). Applicants proposing operations exceeding these limits must identify specific satellites as points of communication.<sup>4</sup> In response to item E49 of Schedule B, Telesat lists 42.50 dBW/4kHz as the maximum equivalent isotropic radiated power (EIRP) density per carrier for emission 1M64G7W, and 55.79 dBW/4kHz as the maximum EIRP density per carrier for emission 76K8G7W. In response to item E41/E42 of Schedule B, Telesat lists 53.2 dBi as the antenna gain. Based on this information, we calculate the power density at the input of the antenna flange as -10.71 dBW/4kHz (subtracting the antenna gain from the EIRP density) for emission 1M64G7W and +2.58 dBW/4kHz for emission 76K8G7W. These values exceed the -14 dBW/4kHz power density limit in Section 25.212(c) of the Commission's rules, 47 C.F.R. § 25.212(c). Therefore, Telesat cannot use an ALSAT designation for these two emissions and must specifically list all satellites with which the earth station intends to communicate using these emissions.

Additionally, applicants requesting authority for earth stations that will operate at a power density exceeding the levels in Section 25.212(c) must submit a certification described in Section 25.220(e)(1) of the Commission's rules, 47 C.F.R. § 25.220(e)(1), from each target satellite operator. Telesat's amendment for call sign E980149 did not include these required certifications for the two emissions.

While we dismiss Telesat's request to operate its Mount Jackson fixed earth stations in the 10.95-11.2 GHz and 11.45-11.7 GHz bands, and to use the 1M64G7W and 76K8G7W emissions for call sign E980149, on the grounds discussed above, we take the opportunity to apprise Telesat of another issue with its application. There is a discrepancy between the value in item E38 (total input power at the antenna flange) and item E40 (Total EIRP for all carriers) as relating to the 1M64G7W and 76K8G7W emissions for call sign E980149. Specifically, Telesat lists 73.4 dBW as the total EIRP for all carriers. Based on the 42.0 W total input power that Telesat provides in its application and the 53.2 dBi antenna gain that Telesat provides in its amendment, we calculate

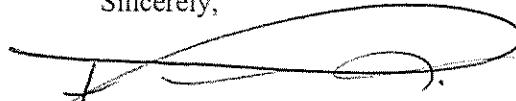
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<sup>4</sup> A amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Services in the United States, First Order on Reconsideration, IB Docket No. 96-111, 15 FCC Rcd 7207, 7210 n.19 (1999).

the total EIRP for all carriers to be approximately 69.43 dBW. Telesat must explain this difference in any refiling for the two emissions.

In light of the above, pursuant to Section 25.112(a)(2) of the Commission's rules, 47 C.F.R. § 25.112 (a)(2), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss the amendment to the extent indicated above.

Sincerely,



(FOR)

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