



Federal Communications Commission  
Washington, D.C. 20554

**DA 08-1030**

April 30, 2008

Mr. Jeffrey E. Rummel, Esq.  
ARENT FOX PLLC  
1050 Connecticut Ave  
Washington, DC 20036-5339

Re: Call Sign: E080003  
File No. SES-MOD-20080325-00350

Call Sign: E080002  
File No. SES-MOD-20080326-00358

Dear Mr. Rummel:

On March 25, 2008 and March 26, 2008, BAE Systems Information and Electronic Systems Integration, Inc. (BAE) filed the above-captioned applications to modify two earth station licenses to add Ka-band<sup>1</sup> frequencies.

Section 25.112(a)(1) 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. BAE's applications do not comply with the Commission's rules, which renders it unacceptable and subject to dismissal. For the reason explained below, we dismiss the applications as defective without prejudice to refiling.

Section 25.115(e) of the Commission's rules provides that "Applications to license individual earth stations operating in the 20/30 GHz band shall be filed on FCC Form 312, Main Form and Schedule B, and shall also include the information described in Section 25.138." BAE did not submit antenna radiation patterns required by Section 25.138(d). Without this information, we cannot determine whether the proposed operations are likely to cause harmful interference to any other Commission-licensed operations. Thus, these applications are incomplete.

Additionally, BAE indicates in Form 312 Schedule B of the applications that it seeks to communicate with the AMC-15 satellite at 105° W.L. and the AMC-16 satellite at 85° W.L. BAE

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<sup>1</sup> BAE seeks to add the 18.3-18.8, 19.7-20.2, 28.35-28.6, and 29.25-30 GHz bands to its license for Call Sign E080003. BAE seeks to add the 19.7-20.2 and 29.5-30.0 GHz bands to its license for Call Sign E080002.

also seeks to communicate with ALSAT-designated satellites. Only those fixed-satellite service earth stations that are two-degree compliant and that operate in the 3700-4200 MHz, 5925-6425 MHz, 11.7-12.2 GHz, or 14.0-14.5 GHz bands can request ALSAT as a point of communication.<sup>2</sup> Because BAE's proposed operation are in the 18.3-18.8, 19.7-20.2, 28.35-28.6, and 29.25-30 GHz bands, BAE's application must specify the satellite or satellites with which the proposed FSS earth station seeks to communicate in these bands.

Accordingly, pursuant to Section 25.112(a)(1)<sup>3</sup> 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 these applications as defective without prejudice to refiling.<sup>4</sup>

Sincerely,

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

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<sup>2</sup> 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, 7214-16 (paras. 16-20).

<sup>3</sup> 47 C.F.R. § 25.112(a)(1). See *also* Echostar Satellite LLC, *Order on Reconsideration*, DA 04-4056 (released December 27, 2004).

<sup>4</sup> If BAE refiles an application identical to the one dismissed, with the exception of supplying the requested information, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).