



Federal Communications Commission  
Washington, D.C. 20554

DA 10-1736

September 14, 2010

S. Edmund Johnson  
ABS-CBN International  
2301 Columbia Blvd  
Richmond, CA 94804-5407

Re: Call Sign E000584  
File Number: SES-MOD-20091229-01632

Dear Mr. Johnson:

On December 29, 2009, ABS-CBN International (ABS-CBN) filed a modification application to the above captioned earth station, requesting authority to operate in the 10.95-11.2 GHz and 11.47-11.7 GHz frequency bands, in addition to its currently licensed operations. Pursuant to Section 25.112(a)(2) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss the application without prejudice to refiling.<sup>1</sup>

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. ABS-CBN's application does not comply with the Commission's rules, which renders it unacceptable and subject to dismissal. The deficiencies are as follows:

In response to Item E43/44 of Schedule B, ABS-CBN lists the receive frequencies of 10.7-12.7 GHz. In Item E21, ABS-CBN lists ALSAT-designated satellites as the only point of communication. Only those fixed-satellite service earth stations that are both two-degree compliant and operate in the conventional Ku-band frequencies of 11.7-12.2 GHz or 14.0-14.5 GHz frequency bands can request ALSAT-designated satellites as point of communications. Because ABS-CBN proposes operations in the 10.95-11.2 GHz, 11.47-11.7 GHz, and 12.2-12.7 GHz frequencies, it must identify the specific satellites or satellites with which the earth station seeks to communicate using these bands.<sup>2</sup>

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<sup>1</sup> If ABS-CBN refiles an application in which the deficiencies identified in this letter have been corrected, but is otherwise identical to the one dismissed, it need not pay an application fee. See 47 C.F.R. § 1.1111(d).

<sup>2</sup> Fixed-satellite service use of the frequency band 12.2-12.7 GHz is limited to non-geostationary satellite systems. See 47 C.F.R. §2.106 Footnote 5.487A.

Furthermore, 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. § 25.203(c), requires 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 Schedule B, however, ABS-CBN states that frequency coordination is not required, and did not submit a Coordination Report. However, ABS-CBN does not explain the basis for this claim or request a waiver of this rule. Thus the application is incomplete. In the event that ABS-CBN chooses to refile this application seeking authority to operate a fixed earth station in the 10.95-11.2 GHz, 11.47-11.7 GHz, and 12.2-12.7 GHz frequencies at the proposed location, it must 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 light of the above, 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 the application without prejudice to refiling.

Sincerely,



Kathryn Medley  
Chief, Satellite Engineering Branch  
Satellite Division  
International Bureau