

ABS  **CBN**
INTERNATIONAL

San Francisco International Gateway
2301 Columbia Blvd.
Richmond, CA 94804-5407



Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attention: Kathyrn Medley
 International Bureau
 Satellite Division

ABS  **CBN**
INTERNATIONAL

September 15, 2010

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attention: Kathryn Medley
International Bureau
Satellite Division

Reference: File No.: SES-MOD-20091229-01632
Call Sign: E000584
Original Filing Date: 12/22/2009

Dear Kathryn,

I am in receipt of your letter of September 14, 2010 (FCC Document DA 10-1736 – attached for your reference). Thank you for informing me of my application deficiencies. I had mistakenly believed that one of the satellites that we had anticipated using, GE-23 (formerly AMC-23), was included in the ALSAT permitted list, along with that satellite's full range of downlink frequencies. I understand now that the ALSAT list and its usage in an application can only pertain to the 11700 – 12200 MHz downlink frequency range and not to the extended Ku band downlink range.

Secondly, I also mistakenly believed that the receive frequencies proposed for an earth station did not require coordination. I have since been in communication with Paul Blais and Frank Peace of the FCC Systems Analysis Branch, and they have suggested that I commission a coordination contour report from one of the established frequency coordinators.

Finally, I realized that I had made a mistake in the lower frequency range necessary to communicate with GE-23. Instead of 10700 MHz, I should have listed 10900 MHz as the lower frequency on my application.

As a result, I will be re-submitting my application with the above three issues corrected, as was suggested by footnote 1 of the Document DA 10-1736. However, can I assume that I should be able to re-submit my application on-line without paying a new application fee? Or will the FCC's on-line system require me to go to the Fee Filer before I can complete my application submission?

Respectfully Yours,



S. Edmund Johnson
Manager, Systems Engineering
ABS-CBN International
San Francisco International Gateway

650-508-6679
ejohnson@abs-cbni.com



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 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. 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.²

¹ 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).

² 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