Description of Application

With this application, MTN License Corp. ("MTN") requests modification of its Ku-band fixed-satellite service earth station operated under Call Sign E070218 to add a new 6.3 meter antenna. The proposed new antenna (designated HOM-E6.3-1) will transmit and receive in the extended Ku-band using the 13.8-14.0 GHz frequencies as well as in the conventional Ku-band. All extended Ku-band transmissions will communicate with Estrela do Sul 1 (Telstar 14), located in the 63° W.L. orbital slot, or Telstar 11N, located in the 37.55 W.L. orbital slot.

MTN will operate in the 13.8-14.0 GHz band consistent with footnote US356 of the U.S. Table of Frequency Allocations, 47 C.F.R. §2.106, and Section 25.204(f) of the Commission's rules, 47 C.F.R. §25.204(f), which require fixed-satellite service earth stations operating in the 13.75-14.0 GHz band to have an antenna size of at least 4.5 meters and to operate with an equivalent isotropically radiated power ("EIRP") of between 68 and 85 dBW. MTN's proposed fixed-satellite service earth station is 6.3 meters in diameter, which satisfy the antenna size requirement. Its proposed maximum EIRP per carrier is 83.03 dBW, which is less than the maximum EIRP limit. To the extent that MTN's extended Ku-band operations involve carriers whose operations fall below the minimum required EIRP, MTN will not claim any additional interference protection beyond that which it would otherwise be entitled to claim were it operating at the minimum 68 dBW EIRP limit. Under these circumstances, it is appropriate for the Commission to consider that MTN's minimum EIRP is compliant with Section 25.204(f).

Use of Non-U.S. Licensed Satellites

MTN specifies, pursuant to Section 25.137(a) of the Commission's rules, 47 C.F.R. § 25.137(a), that the only non-U.S. licensed satellites to be accessed by the antenna proposed to be authorized under Call Sign E070218 are those included on the FCC's Permitted Space Station List. With respect to Estrela do Sul 1, which will be used as one of the points of communication for the 13.8-14.0 GHz band, the licensing state (Brazil) is a WTO member and thus is presumed to provide effective competitive opportunities for U.S.-licensed satellite systems. MTN notes that further information on the satellite is not required here, as there are existing earth stations, including E070218, authorized to communicate with the space craft under ALSAT in 14.0-14.5 GHz, as well as in the 13.8-14.0 GHz band. *See* SES-MFS-20090602-00676, Call Sign E070218; *see also* National Digital Television Center, Inc., Call Sign E030236, File No. SES-LIC-20031022-01447; Telesat Network Services, Inc.; Call Sign KA399; File No. SES-MOD-20040309-00349.

Commission Denial of Applications

In 1998, Maritime Telecommunications Network, Inc., which wholly owns the applicant MTN License Corp., applied to the Commission for authority to establish 32 earth stations to provide fixed-satellite service on a primary basis in 17 U.S. seaports. *See* Applications of MTN for Fixed Earth Station Licenses, File Nos. SES-LIC-19980911-01272, *et al*. In a 2000 decision in *Maritime Telecommunications Network, Inc.*, 15 FCC Rcd 23210 (Int'l Bur. 2000) (subsequent history omitted), the International Bureau denied Maritime Telecommunications Network's applications on the ground that the Commission does not have jurisdiction to license earth stations on foreign vessels.

FAA Notification

The 6.3 meter antenna that is the subject of this application is exempt from notification to the Federal Aviation Administration because the antenna is located in an area with structures of a permanent and substantial character that are taller than the antenna itself. *See* 47 C.F.R. § 17.14(a). The antenna has a height above ground level of 7.6 meters. It is surrounded by thirteen existing structures that each have a height above ground level of more than 7.6 meters, with the tallest such structure (located approximately 150 feet from the proposed antenna) having a height of 140 feet above ground level. The thirteen taller structures are located within approximately 300 feet of the subject antenna. Under these circumstances, it is evident beyond all reasonable doubt that the existing and proposed antenna will not adversely affect safety in air navigation.