Federal Communications Commission
Washington, D.C. 20554

DA 10-1747

September 15, 2010

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Re: Call Sign E090138
File No: SES-LIC-20090807-00971

Dear Mr. Magallanes:

On August 7, 2009, Data Technology Solutions (DTS) filed the above-captioned earth station application to operate a network of Earth Stations on-board Vessels (ESVs). The proposed network consists of 250 0.6-meter AZU-06 antenna terminals operating in the conventional Ku-band throughout the United States.[1] Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss the application as defective without prejudice to refiling.[2]

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. DTS' application is internally inconsistent, which renders it unacceptable and subject to dismissal. The deficiencies are as follows:

We cannot determine the proposed emission power of the ESV due to inconsistencies among the proposed maximum EIRP density per carrier listed in the Schedule B of the application and the average EIRP density calculated from other parameters. Specifically, for the 1M10G7W emission, DTS indicates the maximum EIRP density per carrier for the ESV is -24.9 dBW/4kHz (Question E49). However, we calculate an average value of +12.2 dBW/4kHz as derived from the maximum EIRP per carrier of 36.6 dBW (Question E48) and 1.10 megahertz necessary bandwidth (Question E47). Similarly, for the 1M76G7W emission, DTS indicates that the maximum EIRP density per carrier for the ESV is -24.9 dBW/4kHz (Question E49). This value is less than the average value of +10.5 dBW/4kHz as derived from the maximum EIRP per carrier of 36.9 dBW (Question E48) and 1.76 megahertz necessary bandwidth (Question E47). Furthermore, for the 4M41G7W emission, DTS indicates that the maximum EIRP density per carrier for the ESV is -24.9 dBW/4kHz (Question E49). This value is less than the average value

[1] 11.7-12.2 GHz and 14.0-14.5 GHz.

[2] If DTS 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. § 1.1111(d).

of +10.2 dBW/4kHz as derived from the maximum EIRP per carrier of 40.64 dBW (Question E48) and 4.41 megahertz necessary bandwidth (Question E47).

Accordingly, 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 as defective without prejudice to refiling.

Sincerely,

Kathyrn Medley
Chief, Satellite Engineering Branch
Satellite Division
International Bureau