

March 17, 2004

Mr. Koichiro Matsufuji
Space Communications Corporation
2-8, Higashi-shinagawa 2-chome
Shinagawa-ku, Tokyo, 140-0002
Japan

Re: Petition for Declaratory Ruling to Add SUPERBIRD-C Satellite at 144° E.L.
orbital location to the Commission's Permitted Space Station List, File No. SAT-
PPL-20040120-00006, Call Sign: S2614

Dear Mr. Matsufuji:

On January 20, 2004, Space Communications Corporation ("Space Comm") filed a petition to add the SUPERBIRD-C satellite, which is licensed by Japan, to the Commission's Permitted Space Station List ("Permitted List"). For the reasons discussed below, we dismiss the application as defective without prejudice to refileing.

Section 25.114(c) of the Commission's rules¹ requires all space station applicants, including those filing petitions to be added to the Commission's Permitted List, to submit all applicable items of information listed in its subsections. In the *First Space Station Reform Order*,² the Commission affirmed the policies embodied in this rule by continuing to require applications to be substantially complete when filed.³ As the Commission noted, the procedures and rules it adopted will enable the Commission to establish satellite licensees' operating rights clearly and quickly, and as a result, allow licensees to provide service to the public much sooner than might be possible under its previous licensing procedures.⁴ Finding defective applications acceptable for filing is not consistent with the rules and a policy adopted by the Commission in the First Space Station Reform Order and only serves to create uncertainty and inefficiency in the licensing process. Thus, the Commission further emphasized in that Order that non-

¹ 47 C.F.R. § 25.114(c).

² Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10852 (para. 244) (2003) (*First Space Station Reform Order*); International Bureau To Streamline Satellite And Earth Station Processing, *Public Notice*, Report No. SPB-140, October 28, 1998 (emphasizing the obligation to comply with 47 C.F.R. § 24.114(c) and stating that applications that did not comply would be dismissed).

³ *First Space Station Reform Order*, 18 FCC Rcd at 10852 (para. 244), citing *Space Station Reform NPRM*, 17 FCC Rcd at 3875 (para. 84).

⁴ *First Space Station Reform Order*, 18 FCC Rcd at 10765-66 (para. 4).

U.S.-licensed satellite operators seeking access to the U.S. market by filing earth station applications or petitions to be added to the Permitted List will be required to provide the same technical information regarding the foreign satellites as U.S. satellite license applicants provide for proposed U.S. satellites.⁵

In its petition, Space Comm does not submit all of the technical information required by Sections 25.114 (c)(5), (c)(8), (c)(10), (c)(11), (c)(17)⁶ of the Commission's rules, 47 C.F.R. §25.114. Consequently, the application is defective under Section 25.114 (b) of the rules and must be returned pursuant to Section 25.112 (a).

Accordingly, pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261(a)(4), we find that this petition, File No. SAT-PPL-20040120-00006, Call Sign S2614, is defective. We therefore dismiss this application without prejudice to refiling.⁷

Sincerely,

Thomas S. Tycz
Chief
Satellite Division

cc: Ms. Laura B. Sherman
3335 N. Randolph Street
Arlington, VA 22207
U.S.A.

⁵ See *First Space Station Reform Order*, 18 FCC Rcd at 10872 (para.300).

⁶ See *Public Notice*, In re Int'l Bureau Satellite Div. Info, DA 03-3863, 2003 WL 22850140 (rel. Dec. 03, 2003).

⁷ If Space Comm refiles a petition identical to the one dismissed, with the exception of supplying the missing information, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).