



Federal Communications Commission  
Washington, D.C. 20554

DA 05-1582

June 3, 2005

Thomas P. Van Wazer  
Sidley Austin Brown & Wood LLP  
1501 K Street NW  
Washington, DC 20005

Re: Call Sign: E050144  
SES-LIC-20050519-00623

Dear Mr. Van Wazer:

On May 19, 2005, WBNS-TV, Inc. filed the above-captioned application for a Temporary-Fixed Ku-Band<sup>1</sup> Earth Station. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss this application as defective because of internal inconsistencies in the power levels provided.

Specifically, there are inconsistencies for the Equivalent Isotropic Radiated Power (EIRP) provided in the application when compared with that derived from other data in the application. In Form 312 Schedule B, you indicate that the Total EIRP for All Carriers is 55.0 dBW (Item E40), while the computed Total EIRP for All Carriers is 67.04 dBW derived from the "16 Watts Maximum Total Input Power at the Antenna Flange (Item E38)" and "55 dBi Antenna Gain Transmit (Item E41). We note that the Antenna Gain specified in Schedule B (Item E41) does not match the value used in Exhibit A of your Application. We also note that the Antenna Gains listed in Item E41 were specified at a frequency outside your intended use as stated in the application.

Moreover, the EIRP Density you provided in the application does not agree with that derived from other information in the application. Specifically, in Item E49, you indicate that the Maximum EIRP Density per Carrier is -17.5 dBW/4 kHz. This value is less than and therefore inconsistent with the average value of +15.46 dBW/4 kHz as derived from the Maximum EIRP per carrier of 55.0 dBW (Item E48) and a 36 MHz bandwidth for the 36M0F8W and 36M0G7F emissions (Item E47).

Given these inconsistencies, we cannot determine the actual emission power in use.

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<sup>1</sup> 11.7-12.2 and 14.0-14.5 GHz bands.

Accordingly, pursuant to Section 25.112(a)(1)<sup>2</sup> 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 your application as defective without prejudice to refile.<sup>3</sup>

Sincerely,

Scott A. Kotler  
Chief, Systems Analysis Branch  
Satellite Division  
International Bureau

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<sup>2</sup> 47 C.F.R. Section 25.112(a)(1). *See also* Echostar Satellite LLC, *Order on Reconsideration*, DA 04-4056 (released December 27, 2004).

<sup>3</sup> If WBNS-TV, Inc. refiles an application identical to the one dismissed, with the exception of supplying the missing and corrected information, it need not pay an application fee. *See* 47 C.F.R. Section 1.1109(d).