



Federal Communications Commission
Washington, D.C. 20554

DA 05-1647

June 10, 2005

William S. Carnell
Latham & Watkins
555 11th Street, NW
Suite 1000
Washington, DC 20004

Re: Call Sign: E980375
SES-MOD-20050516-00599
SES-AMD-20050527-00670

Call Sign: E980376
SES-MOD-20050516-00598
SES-AMD-20050527-00671

Dear Mr. Carnell:

On May 16, 2005, Orbimage, Inc. ("Orbimage") filed the above-captioned applications to modify its existing Earth Stations in Dulles, VA¹ and Barrow, AK² to add OrbView-5 as a point of communication to transmit in the S-Band³ and receive in the X-Band.⁴ On May 27, 2005, Orbimage amended the applications to revise Earth Station Antenna Elevation parameters. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss both applications, as amended, 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 applications when compared with that derived from other data in the applications. In Item E49, you indicate that the Maximum EIRP Density per Carrier is -88.6 dBW/4 kHz. This value is less than and therefore inconsistent with the average value of +37.95 dBW/4 kHz as derived from the Maximum EIRP per carrier of 53.0

¹ Call Sign E980375.

² Call Sign E980376.

³ 2092.6 MHz with 128 MHz Necessary Bandwidth.

⁴ 8210 MHz with 150 MHz Necessary Bandwidth, 8210 MHz with 370 MHz Necessary Bandwidth, and 8394 MHz with 59.7 kHz Necessary Bandwidth.

dBW (Item E48) and a 128 kHz bandwidth for the S-Band emission (Item E47). Given this inconsistency, we cannot determine the actual emission power in use.

While we dismiss the application on the above basis, we take the opportunity to apprise you of other concerns we have should you choose to re-file the application.

In addition, there are inconsistencies for the Equivalent Isotropic Radiated Power (EIRP) provided for the X-Band Receive parameters provided in the applications when compared with that derived from other data in the applications. In Item E49, you indicate that the Maximum EIRP Density per Carrier is -145.3, -149.2, and -142.8 dBW/4 kHz for the 150MG1D, 370MG1D, and 59K7G1D emissions, respectively. These values are less than and therefore inconsistent with the average values of 17.54, -21.46, and -16.24 dBW/4 kHz as derived from the Maximum EIRP per carrier of +28.2, +28.2, and -4.5 dBW (Item E48), respectively. These parameters for Items E48 and E49 are not consistent for emission parameters of a receiver.

Accordingly, pursuant to Section 25.112(a)(1)⁵ 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 applications, as amended, as defective without prejudice to refiling.⁶

Sincerely,

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

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

⁶ If Oribimage 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).