



Federal Communications Commission
Washington, D.C. 20554

DA 05-2536

September 28, 2005

Rossa Isme
Prime Management
5584 Arnold Palmer Drive
Orlando, FL 32811

Re: Call Sign: E050264
File No.: SES-LIC-20050919-01276

Dear Rossa Isme:

On September 19, 2005, Alpha Broadcasting, Inc. (Alpha Broadcasting) filed the above-captioned application for a Fixed Ku-Band Transmit/Receive VSAT Network Earth Station. 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.

In the application, Alpha Broadcasting did not provide information in response to items E28-E42 (Antenna Table), E43-E50 (Frequency Table) or E51-E60 (Frequency Coordination Table) on Schedule B of FCC Form 312. In addition, the radiation hazard study as described in question 28 of FCC Form 312 was not included in your application. Consequently, your application is incomplete.

In addition, in response to question 24 of Form 312, you indicate that, in addition to Ku-band operations, you intend to operate in the 29.5-29.515 GHz band. However in Schedule B of your application, you list AMC-16 at 118.75° W.L. as the only Point of Communication. AMC-16, however, is not authorized to operate in the 29.5-29.515 GHz band at 118.75° W.L. nor has its operator applied to do so. Therefore, the portion of your application relating to AMC-16 at 118.75° W.L. in the 29.5-29.515 GHz band is premature and any refiling should correct this defect. Furthermore, Section 25.115(e) of the Commission's rules, 47 C.F.R. §25.115(e), provides that "[A]pplications to license individual earth stations operating in the 20/30 GHz band shall be filed on FCC Form 312, Main Form and Schedule B, and shall also include the information described in Section 25.138." Therefore, any refiling involving the 29.5-29.515 GHz band must also include the radiation patterns required by Section 25.138(d).

In addition, we take the opportunity to apprise you of other concerns we have should Alpha Broadcasting choose to re-file the application. In question 20 of Form 312 (Nature of Service), you selected Mobile Satellite. The Mobile Satellite Service refers to earth stations that are transmitting or receiving while in motion. Ku-band VSAT earth stations

can only operate as fixed or temporary-fixed, not mobile, earth stations. In refiling your application, we request you clarify the service you intend to provide using this earth station.

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 your application without prejudice to refiling.¹

Sincerely,

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

¹ If Alpha Broadcasting, Inc. refiles an application 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. Section 1.1109(d).