



Federal Communications Commission  
Washington, D.C. 20554

DA 05-2900

November 2, 2005

Mr. Noel Imitz  
C5 Communications, LLC  
4212 San Felipe St.  
Houston, TX 77027

Re: File No. SES-STA-20051025-01466

Dear Mr. Imitz:

On October 24, 2005, C5 Communications, LLC (C5 Communications) filed the above-captioned application for Special Temporary Authority (STA) to operate an Earth Station on-board a Vessel (ESV) primarily in the Gulf of Mexico using the 10.95-12.75 and 14.0-14.5 GHz bands and communicating with the SATMEX-5 satellite. We dismiss the application as defective, without prejudice to refiling.

On January 6, 2005, the Commission released Report and Order FCC 04-286 establishing regulations governing Earth Stations on Vessels particularly as they operate in US waters. Your application appears to be requesting STA to operate an ESV in the Gulf of Mexico and thus would be subject to the ESV Rules and Regulations. Applicants using the Ku-band<sup>1</sup> must provide sufficient data to demonstrate that the proposed ESV complies with Section 25.222 of the Commission's rules, 47 C.F.R. § 25.222. Ku-band ESVs must meet an off-axis EIRP spectral density envelope as described in Section 25.222(a)(1) through (5). C5 Communication's application did not provide a demonstration under Section 25.222(b)(1), (2), or (3) which demonstrates that its ESV meets these off-axis limits. In addition, Section 25.222(a)(7) indicates that all emissions from an ESV shall automatically cease within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds 0.5 degree, and transmission will not resume until such angle is less than 0.2 degree. C5 Communications did not provide any demonstration that the operation will comply with this requirement. Moreover, the application indicates that the ESV's receive frequencies are in the 10.95-12.75 GHz band. The Commission's ESV rules only permit receive operations in the 10.95-11.2, 11.45-11.7, 11.7-12.2 GHz bands.<sup>2</sup> Furthermore, Section 25.222(c)(3) requires Ku-Band ESVs to be controlled by a Hub earth station. C5 Communications did not indicate the hub station which will control this ESV. Based on the above, we dismiss this application as defective.

Finally, Section 25.222(a)(10) of the Commission's rules indicates Ku-Band ESV applications must include an exhibit describing the geographic area(s) in which the ESV will operate. Any refiling should include the geographic information specified in Section 25.222(a)(10) and whether

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<sup>1</sup> 10.95-11.2, 11.45-11.7, 11.7-12.2, and 14.0-14.5 GHz bands

<sup>2</sup> See 47 C.F.R. § 25.222

you will operate near the locations specified in Section 25.222(e). We also note that your application indicates that the ESV will communicate with the SATMEX-5 at 119° E.L. The SATMEX-5 satellite is operating at 116.8° W.L. Thus, any refiling should clarify whether C5 Communications intends to use the SATMEX-5 satellite at 116.8° W.L. or an alternate satellite.

Accordingly, pursuant to Section 25.112(a)(1)<sup>3</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 C5 Communications application as defective without prejudice to refiling.

Sincerely,

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

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<sup>3</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).