Federal Communications Commission
Washington, D.C. 20554

DA 05-3191

December 15, 2005

Mrs. Kinga A. Fauser
Peak Uplink, Inc.
458 Silverhorn Drive
New Castle, CO 81647-9468

                              Re: Call Sign: E050334
                                    File No.: SES-LIC-20051111-01559

Dear Mrs. Fauser:

On November 11, 2005, Peak Uplink, Inc. (Peak Uplink) filed the above-captioned application to operate a temporary-fixed Conventional Ku-Band[1] earth station that will communicate with ALSAT-designated satellites. 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.

We note that on Form 312 Schedule B, the application indicates that the Maximum EIRP Density per Carrier is 41.02 dBW/4 kHz for emission designator 36M0G7W and the Maximum Transmit Antenna Gain is 45 dBi. Using this information, we compute a maximum input power density into the antenna flange of -3.98 dBW/4 kHz. This exceeds the -14 dBW/4 kHz level eligible for routine processing in 47 C.F.R. §25.212(c). Earth stations operating at non-routine power levels must include the certifications as described in Section 25.220(e)(1) of the Commission's rules, 47 C.F.R. §25.220(e)(1), and must identify the specific satellites for which the earth station intends to communicate. Therefore, ALSAT status is not appropriate and the application is defective.

In light of the above, 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 this application without prejudice to refiling.[2]

                              Sincerely,

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

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[1]   11.7-12.2 and 14.0-14.5 GHz bands.

[2]   If Peak Uplink refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee for the modification application. *See* 47 C.F.R. §1.1109(d).