



Federal Communications Commission
Washington, D.C. 20554

February 18, 2005

DA 05-418

Mr. Robert Lewis
SkyTerra Communications, Inc.
19 West 44th Street, Suite 507
New York, NY 10036

Re: Applications of SkyTerra Communications, Inc., File Nos. SAT-LOA-20050203-00020 (Callsign: S2654) and SAT-LOA-20050203-00021 (Callsign: S2655)

Dear Mr. Lewis:

This is in reference to, SkyTerra Communications, Inc.'s ("SkyTerra's") above-referenced applications filed on February 3, 2005. In the applications, SkyTerra seeks authority to construct, launch, and operate two geostationary satellites in the Fixed-Satellite Service using the 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz and 29.25-30 GHz frequency band. SkyTerra plans to co-locate these satellites -- which it calls SkyTerra 1 and SkyTerra 2 -- at the 95° W.L. orbital location. For the reasons discussed below, we dismiss both applications as defective, without prejudice to refiling.

Section 25.114(c) of the Commission's rules, 47 C.F.R. § 25.114(c), requires all space station applicants to submit all applicable items of information listed in its subsections. Sections 25.112(a)(2) and (b)(1) of the Commission's rules, 47 C.F.R. §§ 25.112(a)(2) and (b)(1), state that an application that does not substantially comply with the Commission's rules will be returned to the applicant as unacceptable for filing unless the application is accompanied by a waiver request with reasons supporting the waiver. In the *Space Station Reform Order*, the Commission affirmed the policies embodied in this rule by continuing to require applications to be substantially complete when filed.¹ As the Commission noted, the procedures and rules it adopted will enable the Commission to establish satellite licensees' operating rights clearly and quickly, and as a result, allow licensees to provide service to the public much sooner than might be possible under our previous licensing procedures.² Finding defective applications acceptable for filing is not consistent with the rules and policies adopted by the Commission in the *Space Station Reform Order* and only serves to create uncertainty and inefficiencies in the licensing process.

As noted in a recent letter dismissing a previously-filed SkyTerra application as incomplete, Section 25.114(c)(8) of the Commission's rules, 47 C.F.R. §25.114(c)(8), requires space station

¹ Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking, Space Station Reform Order*, 18 FCC Rcd 10760, 10852 (para. 244)(2003), citing Amendment of the Commission's Space Station Licensing Rules and Policies, *Notice of Proposed Rulemaking*, 17 FCC Rcd 3847, 3875-76 (para. 84)(2002).

² *Space Station Reform Order*, 18 FCC Rcd at 10765-66 (para. 4). See also Echostar Satellite LLC, *Order on Reconsideration*, DA 04-4056 (Int'l Bur. 2004).

applicants to submit an overall link performance analysis of the space station.³ This includes an analysis for both the uplink and downlink transmission directions. In its February 3, 2005 applications, SkyTerra again fails to submit link budgets for the downlink direction of transmission. Further, as noted in a second dismissal letter, Section 25.114(c)(7) of the Commission's rules, 47 C.F.R. § 25.114(c)(7), requires applicants to submit the predicted space station antenna gain contour(s) for each transmit and each receive antenna beam.⁴ Neither application filed on February 3rd contains a complete set of antenna beam contour diagrams. SkyTerra lists 11 Beam ID's in Table S7 and S8 of Schedule S but does not provide any corresponding antenna beam contour diagrams. While SkyTerra provides two identical antenna beam contour diagrams for a satellite called Skyterra, it does not reference these diagrams to a Beam ID. SkyTerra also provides numerous redundant antenna beam contour diagrams for a satellite called Miraxis, but does not provide any contour diagrams that are referenced to SkyTerra 1 or SkyTerra 2. Further, as noted in our February 3rd dismissal letter, the contour diagrams for Miraxis do not show contours at 2 dB intervals down to 10 dB below peak value and at 5 dB intervals to 20 dB, as required by Section 25.114(c)(7). Thus, the refiled applications are defective and unacceptable for filing.

Accordingly, pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261(a)(4), we find that these applications, File Nos. SAT-LOA-20050203-00020 and SAT-LOA-20050203-00021, are defective under Section 25.114(b) of the Commission's rules, 47 C.F.R. § 25.114(b), and must be returned pursuant to Section 25.112(a) of the rules, 47 C.F.R. §25.112(a). We therefore dismiss these applications without prejudice to refile. If SkyTerra refiles two separate applications identical to the ones dismissed, with the exception of supplying the missing information, it need not pay an application fee for either of these space stations. *See* 47 C.F.R. § 1.1109(d).

Sincerely,

Fern J. Jarmulnek
Deputy Chief
Satellite Division

cc: Mr. Robert A. Mazer
Vinson & Elkins L.L.P.
1455 Pennsylvania Avenue, N.W.
Suite 600
Washington, D.C. 20004-1008

³ *See* letter from Fern J. Jarmulnek, Deputy Chief, Satellite Division, to Robert Lewis, SkyTerra Communications, Inc. (Feb. 3, 2005).

⁴ *See* letter from Fern J. Jarmulnek, Deputy Chief, Satellite Division, to Robert Lewis, SkyTerra Communications, Inc. (Oct. 28, 2004).