



Federal Communications Commission
Washington, D.C. 20554

DA 06-1637

August 15, 2006

Mr. Patrick L. Donnelly
Sirius Satellite Radio Inc.
1221 Avenue of the Americas
36th Floor
New York, NY 10020

RE: Call Sign E060277
File No.: SES-LIC-20060721-01236
SES-STA-20060721-01237

Dear Mr. Donnelly:

On July 21, 2006, Sirius Satellite Radio Inc. (Sirius) filed the above-captioned application and request for Special Temporary Authority to operate a Fixed-Satellite Service transmit/receive fixed earth station using the Ku-band.¹ 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 defective without prejudice to refileing.

Sirius lists ALSAT as the point of communication for this earth station. ALSAT may only be listed as a point of communication for routinely authorized earth stations.² Sirius' proposed earth station, however, does not conform to the Commission's routine processing standards. In response to question E49 on Schedule B, Sirius lists the Maximum EIRP density per carrier as 51.16 dBW/4kHz for the 8M0G7W digital emissions. This corresponds to a power density at the input of the antenna flange of -8.24 dBW/4 kHz. This value exceeds the maximum input power spectral density limit of -14 dBW/4 kHz for routinely authorized earth stations in Section 25.212(c) of the Commission's rules, 47 C.F.R. § 25.212(c). Therefore, Sirius may not designate ALSAT as a point of communication for the proposed emissions and must identify the specific satellites with which the earth station will communicate. Also, in accordance with Section 25.220(e)(1), Sirius is required to include with the application a certification from each target satellite operator that the target operator has reached agreements with adjacent satellite operators regarding the non-routine operations. The application does not include this certification.

¹ 11.7-12.2 and 14.0-14.5 GHz bands.

² Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Services in the United States, First Order on Reconsideration, IB Docket No. 96-111, 15 FCC Rcd 7207, 7210 n.19.

In light of the above, pursuant to Section 25.112(a)(1)³ 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 both applications as defective without prejudice to refiling.⁴

Sincerely,

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

³ 47 C.F.R. § 25.112(a)(1). *See also* EchoStar Satellite, LLC, *Order on Reconsideration*, DA 04-4056 (rel December 27, 2004).

⁴ If Sirius refiles a license 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).