



Federal Communications Commission
Washington, D.C. 20554

DA 06-1993

October 05, 2006

Mr. Michael J. Beattie
DataPath, Inc.
2450 Satellite Blvd.
Duluth, GA 30096-5801

RE: Call Sign E060320
File No.: SES-LIC-20060816-01393

Dear Mr. Beattie:

On August 16, 2006, DataPath, Inc. (DataPath) filed the above-captioned application for a new license to operate a Ka-band¹ earth station located in Duluth, Georgia. DataPath proposed to use 2.4-meter and 3.9-meter antennas to communicate with the AMC-15 and AMC-16 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 without prejudice to refileing.

In response to question E49 of Schedule B of the application, DataPath lists, for the 2.4-meter antenna in the frequency bands 28.4- 28.6 GHz and 29.5- 30.0 GHz, the maximum EIRP density value of 40.65 dBW/4kHz for the emission 100KG1W. This value is less than the average value of 50.66 dBW/4kHz calculated using the 100 kilohertz bandwidth and the maximum EIRP of 64.63 dBW from the response to question E48. Given this inconsistency, we cannot determine the proposed emission power.

In addition, the application is missing various antenna radiation patterns for the proposed 2.4-meter and 3.9-meter antennas as required under Section 25.138(d) of the Commission's rules. Specifically, DataPath did not provide a series of radiation patterns, as a minimum, consisting of the lowest, middle, and highest frequencies used for the transmission in the 28.4- 28.6 GHz and 29.5- 30.0 GHz bands. The series of patterns must contain: (1) antenna radiation in the azimuth plane from ± 10 degrees and ± 180 degrees and in the elevation plane from zero to 30 degrees for Co-polarization; and (2) antenna radiation in the E- and H- planes from ± 10 degrees for the Cross-polarization.

In light of the above, pursuant to Section 25.112(a)(1)² 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 the application as defective without prejudice to refileing.³

¹ 17.7-20.2 GHz and 27.5-30.0 GHz.

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

Sincerely,

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

³ If Datapath refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. See 47 C.F.R. Section 1.1109(d).