



Federal Communications Commission
Washington, D.C. 20554

DA 06-242

January 31, 2006

Ms. Joanne Swank
Universal Space Network, Inc.
417 Caredean Drive
Suite A
Horsham, PA 19044

Re: Call Sign E060022
File No.: SES-STA-20060126-00163

Dear Ms. Swank:

On January 26, 2006, Universal Space Network, Inc. (USN) filed the above-captioned application seeking special temporary authority to operate an S-Band¹ earth station to support the Hotbird-8 spacecraft during launch & early orbit (LEOP). The anticipated launch date is April 20, 2006. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. §25.112(a)(1), we dismiss this application.

USN seeks to operate on 2270 MHz with a 200K0G2D emission. The U.S. Table of Frequency Allocations, Section 2.106 of the Commission's rules,² however, does not include an allocation for non-Federal Government use of this band. USN also requests to operate on 2090.292 MHz with a 200K0G2D emission. The U.S. Table of Frequency Allocations, however, does not include an allocation for non-Federal Government Space Operations in this band. We dismiss USN's STA request for failure to include a waiver request of the Table of Frequency Allocations to permit non-conforming uses.

In the event that USN refiles its STA request to operate in the 2025-2110 and 2200-2290 MHz bands, it should include an adequately supported request for waiver of all applicable Commission rules. In this case, such a request should include, among other things, an explanation as to any unique or compelling circumstances warranting of accessing a frequency band allocated exclusively to Federal Government Space Operation use. In addition, any grant of such a waiver request would be premised on completion of coordination with other parties operating

¹ 2025-2110 and 2200-2290 MHz bands.

² 47 C.F.R. § 2.106.

communication systems in compliance with the Table of Frequency Allocations, 47 C.F.R. § 2.106. Accordingly, 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.

Sincerely,

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