



Federal Communications Commission  
Washington, D.C. 20554

DA 06-372

February 16, 2006

Carlos M. Nalda  
Mintz, Levin, Cohn, Ferris  
Glovsky and Popeo, PC  
701 Pennsylvania Ave. NW  
Suite 900  
Washington, DC 20004

Re: File No. SES-STA-20060130-00174

Dear Mr. Nalda:

On January 30, 2006, The Boeing Company (Boeing) filed the above-captioned application for Special Temporary Authority to operate earth stations on-board vessels (ESV) that would communicate with ALSAT-designated satellites in the conventional Ku-band<sup>1</sup> and several other U.S.-licensed and non-U.S.-licensed satellites in both the conventional Ku-band and extended Ku-band.<sup>2</sup> Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. §25.112(a)(1), we dismiss this application because there are internal inconsistencies.

Specifically, in response to item E49 on Form 312 Schedule B, Boeing lists the value of the Maximum EIRP Density per Carrier for emission designator 32M4G7W (E47) as 15.9 dBW/4 kHz. However, in demonstrating compliance with the off-axis EIRP density levels in Section 25.222(a)(1) through (4), 47 C.F.R. §25.222(a)(1) through (a)(4), Boeing's co-polarization plots appear to use an on-axis EIRP density of approximately 13 dBW/4 kHz. Thus, we are unable to determine whether Boeing meets the off-axis EIRP density limits in Section 25.222(a).

In addition, Boeing notes in the application that the ESV network will use Code Division Multiple Access (CDMA) with the maximum number of co-frequency simultaneously transmitting earth stations in the same satellite receiving beam ("N") as 6. Section 25.222(b)(1) of the Commission's rules, 47 C.F.R. §25.222(b)(1), requires that the off-axis EIRP envelope of Section 25.222(a)(1) through (4) be superimposed upon the showing required by that rule. The showing submitted with the application does not

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<sup>1</sup> 11.7-12.2 and 14.0-14.5 GHz bands.

<sup>2</sup> 11.45-11.7 and 12.25-12.75 GHz bands.

superimpose an off-axis EIRP envelope calculated with N=6. Therefore, your application does not conform to the filing requirements of our rules.

Further, while not a basis for dismissal, we note in response to Question 20 (Nature of Service), Boeing selected the secondary-allocated Mobile Satellite Service rather than the primary-allocated Fixed Satellite Service for this ESV application.<sup>3</sup> The use of the secondary allocation is inconsistent with Section IV of your application which proposes ALSAT-designated satellites as a point of communication. In addition, in item E15 of Schedule B, Boeing selected "N/A" in response to whether the proposed antenna(s) comply with the antenna gain patterns specified in Section 25.209(a) and (b), 47 C.F.R. §25.209(a) and (b). In the event that Boeing refiles an application and selects to operate in the Fixed Satellite Service, it must respond either "Yes" or "No" to question E15.

Finally, in the event that Boeing refiles an application, it should consider applying for a new license rather than seeking special temporary authority. Special temporary operations are only warranted when there is an extraordinary circumstance in the public interest in accordance with Section 25.120(b)(1) of the Commission's rules, 47 C.F.R. §25.120(b)(1).

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 your application as incomplete and internally inconsistent without prejudice to refiling.

Sincerely,

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

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<sup>3</sup> The Table of Frequency Allocations permits ESVs to operate in the Fixed Satellite Service. See footnote NG183 of 47 C.F.R. § 2.106.