



Federal Communications Commission
Washington, D.C. 20554

DA 07-272

January 26, 2007

Joan M. Griffin
Kelley Drye & Warren LLP
3050 K Street, N.W.
Suite 400
Washington DC 20007

Re: Call Sign E990143
File No. SES-MFS-20061116-02027
File No. SES-STA-20061116-02033

Dear Ms. Griffin:

On November 16, 2006, Comtech Mobile Datacom Corporation (CMDC) filed the above-captioned applications seeking authority to modify its existing blanket L-band¹ license for terminals operating in the Mobile Satellite Service (MSS).² CMDC seeks to add lower L-band frequencies, a new type of half-duplex data mobile earth terminal (MET), and an additional point of communication, MSAT-2 (formerly known as AMSC-1) at 100.95° W.L. to its blanket license. For the reason stated below, we dismiss both applications as defective without prejudice to refileing.

In response to item S2 of Schedule S, CMDC states that MSAT-1 and MSAT-2 operate in the 1530-1559 MHz and 1631.5-1660.5 MHz bands. However, in response to items E43/44 and E52/53 of Schedule B, CMDC states that frequency bands operated by the METs are 1525-1559 MHz and 1626.5-1660.5 MHz. These two values are inconsistent and therefore we must dismiss the applications.

While we dismiss the applications on the above basis, we take the opportunity to apprise CMDC of other potential issues with the applications should it choose to refile them.

¹ The L-band encompasses frequencies from 1525-1544/1545-1559 MHz and 1626.5-1645.5/1646.5-1660.5 MHz. The 1525-1544 MHz and 1626.5-1645.5 MHz frequencies are referred to as the "lower L-band" and 1545-1559 MHz and 1646.5-1660.5 MHz as the "upper L-band." The 1544-1545/1645.5-1646.5 MHz band is limited to safety and distress communications in the MSS in accordance with Footnotes S5.356 and S5.365 to the Table of Frequency Allocations. 47 C.F.R. § 2.106.

² MSS is a radiocommunication service between mobile earth stations and one or more space stations providing voice, data and other services. MSS is used generically in this order to encompass service to mobile terminals on land vehicles (Land Mobile Satellite Service (LMSS)), aircraft (Aeronautical Mobile Satellite Service (AMSS)), and ships (Maritime Mobile Satellite Service (MMSS)).

Section 25.114(d) of the Commission's rules, 47 C.F.R. §25.114(d), requires applicants to submit specified information in narrative form. The Commission does not have this information on file for the MSAT-1 satellite. Therefore, if it chooses to refile an application, we request CMDC to provide information as specified in Sections 25.114(d)(1)-(4), 25.114(d)(7), 25.114(d)(8) and 25.114(d)(14) of the Commission's rules.

Operations in the L-Band are subject to certain requirements concerning real-time priority and preemptive access for distress and safety messages.³ For the Lower L-Band, Footnotes 5.353A to the International Table of Allocations and US315 to the United States Table of Allocations state that MSS systems may not interfere with maritime mobile-satellite service (MMSS) distress and safety communications that also operate in these frequencies, such as Global Maritime Distress Satellite Service (GMDSS). These requirements have been also incorporated in Section 25.136(d) of the Commission's rules.⁴ For the upper L-Band, Footnotes 5.357A and 5.362A to the International Table of Allocations and US308 to the United States Table of Allocations state that MSS systems may not interfere with aeronautical mobile-satellite (R) service (AMS(R)S) distress and safety communications that also operate in these frequencies. For both the upper and lower L-Band, the Commission considers MET terminals that are capable of, among other things, ceasing transmissions and inhibiting further transmissions within one second, to meet these real time preemption requirements.⁵ CMDC proposes to operate a new type of MET. In Exhibit B of its application, CMDC indicates that these METs, when transmitting a full-length message (128 bytes) at ¼ data rates, will cease transmitting in 3.6 seconds. As such CMDC requests a waiver of footnote US315 to the United States Table of Allocations and Sections 25.136(d) of the Commission's rules. Although it can be assumed that CMDC seeks a waiver of footnote US308 as well, CMDC did not explicitly request such a waiver. We therefore request CMDC to clarify whether it seeks a waiver of this footnote US308 in any refiling. Additionally, for each type of terminal, we also request that CMDC specify the time for which it is capable of ceasing transmissions.

The 1544-1545 and 1645.5-1646.5 MHz bands are limited to safety and distress communications in the MSS in accordance with Footnotes 5.356 and 5.365 of the Table of Frequency Allocations, 47 C.F.R. § 2.106. In any refiling, we request that CMDC exclude the 1544-1545 and 1645.5-1646.5 MHz bands in items E43/44 and E52/53 of Schedule B if it does not seek authority to provide MSS safety and distress communications in these bands.

In response to items S2a and S2c of the Schedule S, CMDC states that the lower and upper frequency limits are 10.75 and 10.95 GHz. However, in response to item S2f of Schedule S, CMDC states that the lower and upper frequency limits for its MSS feeder links are 1631.5-1660.5 MHz. We request that CMDC correct this discrepancy in any refiling.

³ See ITU Radio Regulation 5.353A, 5.357A, and 5.362A; 47 C.F.R. § 2.106, footnotes US308 and US315, and §§ 25.136(d)-(e).

⁴ *In the Matter of Establishing Rules and Policies for the Use of Spectrum for Mobile Satellite Service in the Upper and Lower L-band*, Report and Order, 17 FCC Rcd 2704 (2002) (*Lower L-band Report and Order*).

⁵ See *Lower L-band Report and Order*, 17 FCC Rcd at ¶¶ 30-41 (2002). Also see Comtech Mobile Datacom Corp. application, File no. SES-LIC-19990216-00488. CDMA was authorized to operate 25,000 half-duplex mobile earth terminals (Model Nos. MT-20101 Internal, S65-8282-101, MT-20101 External, and MT-2010 Internal) in the upper L-band; which are capable of, among other things, ceasing transmissions and inhibiting further transmissions within one second.

In response to item S6 of the Schedule S, CMDC states that the service areas of the MSAT-1 and MSAT-2 satellites are CONUS, Alaska, and Canada. However, in response to item E10 of Schedule B, CMDC states that areas of operation of its METs are the Continental United States, Alaska, and Hawaii. We request that CMDC correct this discrepancy.

Finally, in response to item S11 of Schedule S, CMDC states that MSAT-1 and MSAT-2 operate emissions of 5K00G1D for MMS and 270KG1D for DATAF. However, in response to item E47 of Schedule B, CMDC states that the emission designator is 168KG1D with direct sequence spread spectrum modulation. We request that CMDC explain the discrepancy in bandwidth. We also request that CMDC specify the mobile service for each type of MET.

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 both applications without prejudice to refiling.⁶

Sincerely,

Scott A. Kotler
Chief, Systems Analysis Branch
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International Bureau

⁶ If CMDC 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).