



Federal Communications Commission
Washington, D.C. 20554

DA 07-4968

December 14, 2007

Mr. David M. Drucker
Manager, ATCONTACT Communications, LLC
2539 N. Highway 67
Sedalia, CO 80135

Re: ATCONTACT Communications, LLC
SAT-AMD-20070924-00131
(Call Sign: S2860)

Dear Mr. Drucker:

This letter refers to the above-referenced application filed by ATCONTACT Communications, LLC (ATCONTACT). In this application, ATCONTACT seeks an orbital reassignment for its satellite licensed to operate at the 83° W.L. orbital location to 87.2° W.L.¹ For the reason set forth below, we return the application as unacceptable for filing without prejudice to refiling.²

Section 25.112(a) of the Commission's rules provides that the Commission will return an application as unacceptable for filing if the application is defective with respect to completeness of answers or informational showings, is internally inconsistent, or does not substantially comply with the Commission's rules unless a waiver of the rules is requested.³

In its application, ATCONTACT failed to demonstrate that its proposed operations at the 87.2° W.L. orbital location are compatible with the Commission's two-degree spacing environment. Specifically, Section 25.140(b)(2) of the Commission's rules requires applicants to submit an interference analysis showing the compatibility of its proposed system two degrees

¹ In a companion application for modification filed on the same day, ATCONTACT requests authority to operate this satellite on additional frequency bands. See File No. SAT-MOD-20070924-00130. The additional frequency bands are: 28.35-28.6 GHz, 29.25-30.0 GHz (Earth-to-space) and 18.3-18.8 GHz, 19.7-20.2 GHz (space-to-Earth). In the request for reassignment to 87.2° W.L., filed as an amendment to the modification application, ATCONTACT indicates that it seeks to operate on these additional frequencies at 87.2° W.L.

² If ATCONTACT 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. § 1.1109(d).

³ 47 C.F.R. § 25.112(a). In the *First Space Station Reform Order*, the Commission affirmed the policies embodied in this rule by continuing to require applications to be substantially complete when filed. See Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10852 (2003).

from any authorized space station.⁴ ATCONTACT's application failed to include a two-degree analysis showing its compatibility with Intelsat's Galaxy 28 satellite, which is authorized to operate at the 89° W.L. orbital location.⁵ Consequently, we return ATCONTACT's application as defective.

We note that ATCONTACT has now filed three applications to relocate this satellite from 83° W.L., with each one defective.⁶ If ATCONTACT elects to refile an application to modify its authorization for this satellite, we expect it to take the appropriate steps to assure that the application is accurate and complete.

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 delegated authority, 47 C.F.R. § 0.261, we return ATCONTACT's application as unacceptable for filing without prejudice to refile.

Sincerely,

Robert G. Nelson
Chief, Satellite Division
International Bureau

cc: James M. Talens
Counsel for ATCONTACT Communications, Inc.

⁴ 47 C.F.R. § 25.140(b)(2). *See also* Public Notice, International Bureau, Satellite Division Information: Clarification of 47 C.F.R. § 25.140(b)(2), Space Station Application Interference Analysis, 19 FCC Rcd 10652 (Int'l Bur. 2004). This Public Notice expressly states that Section 25.140(b)(2) applies to any application to operate a geostationary-satellite orbit space station in any fixed-satellite service frequency band, and these applicants must demonstrate the proposed satellite's compatibility with currently authorized stations.

⁵ Intelsat's Galaxy 28 satellite (Call Sign: S2160) is authorized to use two of the frequency bands requested by ATCONTACT: 29.5-30.0 GHz and 19.7-20.2 GHz.

⁶ *See* ATCONTACT Communications LLC, File No. SAT-AMD-20060905-00098, dismissed Mar. 8, 2007 (DA 07-1095); File Nos. SAT-MOD-20070309-00048 and SAT-AMD-20070309-00049, dismissed Sept. 21, 2007 (DA 07-3994).