



Federal Communications Commission
Washington, D.C. 20554

DA 08-1572

July 1, 2008

Mr. David A. O'Connor
Holland & Knight LLP
2099 Pennsylvania Ave
NW Suite 100
Washington D.C. 20006-6801

Re: Call Sign E080145
File No. SES-LIC-20080617-00802

Dear Mr. O'Connor:

On June 17, 2008, Harris Corporation (Harris) filed the above-captioned application seeking a license to operate a fixed-satellite service (FSS) earth station in Melbourne, Florida that will use a 6.2-meter antenna. Harris proposes to operate the earth station in the 10.95-12.75 GHz (space-to-Earth) and 13.75-14.5 GHz (Earth-to-space) frequency bands. For the reasons stated below, we dismiss the application as defective without prejudice to refiling.

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, that contains internal inconsistencies, or that does not substantially comply with the Commission's rules. Harris's application contains several omissions and discrepancies that render it unacceptable and subject to dismissal. These deficiencies are as follows:

As an initial matter, Harris's proposed operations are inconsistent with the U.S. Table of Frequency Allocations, 47 C.F.R. § 2.106. Specifically, the Table of Frequency Allocations limits use of the 12.2-12.7 GHz band to the Broadcast Satellite Service (BSS). Harris proposes to offer FSS in this band. Further, the U.S. Table limits FSS use of the 12.7-12.75 GHz band to Earth-to-space transmissions only. In its application, however, Harris states that its earth station would receive downlink transmissions in the 12.7-12.75 GHz band. In addition, Harris did not request a waiver of the Table of Frequency Allocations that would permit non-conforming uses in either the 12.2-12.7 GHz band or the 12.7-12.75 GHz band. Consequently, those portions of Harris's application requesting authority to operate in these bands are defective.

Furthermore, we note that the 10.7-11.7 GHz and 12.2-12.75 GHz bands are shared on a co-primary basis with the Fixed Service. Section 25.203(c) of the Commission's rules, 47 C.F.R. § 25.203(c), requires fixed earth station applicants seeking authority to use these bands to submit a Frequency Coordination Report with respect to Fixed Service operations. In response to Question E18 of the application, however, Harris claims that frequency coordination is not required, and did not submit a Coordination Report. Harris does not explain the basis for its claim that a frequency coordination report is not required. Thus, Harris's application is incomplete and subject to dismissal on this basis. In the event that Harris chooses to file another application

seeking authority to operate a fixed earth station in the 10.95-11.2 GHz and 11.45-11.7 GHz band, we recommend that it either (a) include a Frequency Coordination Report for the portions of the 10.7-11.7 GHz band and the 12.2-12.75 GHz band in which it plans to operate, (b) provide a more detailed explanation of its contention that a frequency coordination report is not required, or (c) include a request for waiver of the coordination requirement in its application.

In Schedule B of the license application, Harris indicates that the only points of communication for the proposed earth station are ALSAT-designated satellites. However, only those fixed-satellite service earth stations that are both 2-degree compliant and operate in the conventional Ku-band frequencies, 11.7-12.2 and 14.0-14.5 GHz, or conventional C-band frequencies, 3700-4200 and 5925-6425 MHz, are eligible to request ALSAT-designated satellites as points of communication. Because Harris proposes operations in the 10.95-11.7, 12.2-12.75, and 13.75-14.0 GHz bands, it must identify the specific satellite or satellites with which the proposed earth station seeks to communicate.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 the application without prejudice to refile.²

Sincerely,

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

¹ Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Services in the United States, First Order on Reconsideration, IB Docket No. 96-111, 15 FCC Rcd 7207, 7214-16 (paras. 16-20).

² If Harris 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).