



Federal Communications Commission
Washington, D.C. 20554

DA 08-2174

September 30, 2008

Gary Aviles
Metrovision Production Group, LLC
508 West 24th Street
New York, NY 10011

Re: Call Sign E080203
File No. SES-LIC-20080917-01212

Dear Mr. Aviles:

On September 17, 2008, Metrovision Production Group, LLC (Metrovision) filed the above-captioned application for a license to operate a Conventional Ku-band¹ temporary-fixed earth station. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss the application as defective without prejudice to refile.²

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, contains internal inconsistencies, or does not substantially comply with the Commission's rules. Metrovision's application does not comply with the Commission's rules, which renders it unacceptable and subject to dismissal. The deficiency is as follows:

In the application, Metrovision lists ALSAT-designated satellites as the earth station's only intended points of communication. Earth station applicants may not list ALSAT satellites as a point of communication in cases where the earth station's power density exceeds the limit in Section 25.212(c) of the Commission's rules, 47 C.F.R. § 25.212(c). Applicants proposing operations exceeding this limit must identify specific satellites as points of communications.³ In response to item E49 of Schedule B, Metrovision lists 34.59 dBW/4kHz as the maximum E.I.R.P. density per carrier for emission 24M0G7F. Based on this information, we calculate the power density at the input of the antenna flange as -12.26 dBW/4kHz (subtracting the proposed antenna gain of 46.85 dBi from the E.I.R.P. density). This value exceeds the -14.0 dBW/4kHz power density limit in Section 25.212(c). Thus, Metrovision cannot use an ALSAT designation and must specifically list all satellites with which the earth station intends to communicate.

¹ 11.7-12.2 GHz and 14.0-14.5 GHz.

² If Metrovision 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 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, 7210 n.19.

Additionally, applicants requesting authority for earth stations that will operate at a power density exceeding the level in Section 25.212(c) must submit a certification described in Section 25.220(e)(1) of the Commission's rules, 47 C.F.R. § 25.220(e)(1) from each target satellite operator. Metrovision's application does not include this certification.

In light of the above, 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 Metrovision's application without prejudice to refiling.

Sincerely,

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