



Federal Communications Commission  
Washington, D.C. 20554

DA 08-2190

September 30, 2008

Mr. Raul Magallanes  
The Law Office of Raul Magallanes  
P.O. Box 1213  
Friendswood, TX 77549

Re: Call Sign E080201  
File No. SES-LIC-20080910-01187

Dear Mr. Magallanes:

On September 10, 2008, CapRock Communications, Inc. (CapRock) filed the above-captioned application for a new license to operate a Conventional C-band<sup>1</sup> fixed earth station. CapRock proposes to use a 2.4 meter antenna. For the reason detailed below, we dismiss the application as defective without prejudice to refiling.<sup>2</sup>

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. CapRock's application is incomplete, which renders it unacceptable and subject to dismissal. The deficiency is as follows:

In response to Question E15 of Schedule B, Caprock indicates that its antenna does not comply with the antenna performance standards in Sections 25.209(a) and (b) of the Commission's rules, 47 C.F.R. § 25.209(a) and (b). Pursuant to Sections 25.132(b)(3) and 25.220(b) of the Commission's rules, 47 C.F.R. §§ 25.132(b)(3) and 25.220(b), earth station applicants seeking to use non-compliant antennas must submit antenna radiation patterns in their applications. Although CapRock's application included some patterns, it did not include the co-polarized antenna pattern in the elevation plane from 0 to 45 degrees, and in the azimuth plane from 0 to +/-7 degrees and 0 to +/- 180 degrees, and cross-polarized pattern in the vertical and horizontal plane from 0 to +/- 9 degrees. Consequently, the application is incomplete and will be dismissed.

While we dismiss CapRock's application on this basis, we take the opportunity to apprise CapRock of another question that arose when reviewing the application. In response to item E48

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<sup>1</sup> 3700-4200 MHz and 5925-6425 MHz.

<sup>2</sup> If CapRock refiles an application in which the deficiencies identified in this letter have been corrected but which is otherwise identical to the one dismissed, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).

of Schedule B, CapRock lists the maximum EIRP per carrier for proposed emission 1M15G7W as 19.07 dBW. In response to item E49, CapRock lists the maximum EIRP density per carrier as 43.65 dBW/4 kHz. Using the proposed EIRP value of 19.07 dBW and a bandwidth of 1.15 megahertz, we calculate the average EIRP density per carrier to be -5.51 dBW/4 kHz. Because the maximum EIRP density listed in the application is 49.16 dB higher than the average EIRP density we calculate, we request Caprock to confirm the EIRP values prior to any refiling.

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 CapRock's application without prejudice to refiling.

Sincerely,

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