



Federal Communications Commission
Washington, D.C. 20554

DA 08-2643

December 3, 2008

Mr. Jared Sher
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Ave., NW
Washington, DC 20005

Re: Call Sign E080227
File No.: SES-REG-20081029-01422

Call Sign E080228
File No.: SES-REG-20081029-01423

Dear Mr. Sher:

On October 29, 2008, Speed Channel, Inc. (Speed Channel) filed the above-captioned applications to register two fixed-satellite service (FSS) receive-only earth stations. Speed Channel proposes to operate the earth stations in the Conventional C-band,¹ Conventional Ku-Band,² and Extended Ku-Band.³ Speed Channel proposes to use the earth stations to communicate with ALSAT-designated satellites. For the reasons stated below, we dismiss the portions of the application that seek to operate in the 10.95-11.2, 11.45-11.7, and 11.7-12.2 GHz bands as defective without prejudice to refileing.

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. A portion of Speed Channel's application does not comply with the Commission's rules, which renders that portion unacceptable and subject to dismissal.

First, the Commission does not license or register receive-only FSS stations operating with ALSAT-designated satellites in the 11.7-12.2 GHz frequency band.⁴ Because FSS is the only primary allocation in this band, operations to FSS receive-only Ku-band earth stations are protected against interference from the operations of any other communications service. As such,

¹ 3700-4200 MHz.

² 11.7-12.2 GHz.

³ 10.95-11.2 and 11.45-11.7 GHz.

⁴ See *Deregulation of Domestic Receive-Only Satellite Earth Stations*, Second Report and Order, CC Docket No. 78-374, 104 FCC 2d 348 (1986), at para. 12.

since there are no other primary allocated services in this band, licensing or registering these earth stations is unnecessary.

Second, in Schedule B of the application, Speed Channel indicates that the only points of communication for the proposed earth station are ALSAT-designated satellites. Only those fixed-satellite service earth stations that are both two-degree compliant and operate in the 3700-4200 MHz, 5925-6425 MHz, 11.7-12.2 GHz, or 14.0-14.5 GHz bands can request ALSAT as a point of communication. Because Speed Channel proposes operations in the 10.95-11.2 and 11.45-11.7 GHz bands, it must identify the specific satellite or satellites with which the proposed earth stations seek to communicate in these bands.⁵ Thus, this portion of the application is defective.

In the event Speed Channel chooses to refile its application, we note that Section 25.137 of the Commission's rules, 47 C.F.R. § 25.137, requires receive-only stations operating in the 10.95-11.2 and 11.45-11.7 GHz bands that receive from non-U.S.-licensed satellites to file an application for an earth station license. Thus, to the extent Speed Channel chooses to operate with non-U.S.-licensed space stations, it must file an application for a station license rather than an application for a station registration.

Finally, we note that the use of the 10.95-11.2 and 11.45-11.7 GHz band is subject to footnote NG104 of the Table of Frequency Allocations, 47 C.F.R. § 2.106, which limits service to international rather than domestic use. In any refiling, we request Speed Channel to confirm that it will be receiving transmissions that only originate outside the United States; that is, to confirm that the service will be an international rather than domestic service.

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 portions of Speed Channel's applications to the extent stated above without prejudice to refiling.

Sincerely,

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

⁵ 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).