



Federal Communications Commission
Washington, D.C. 20554

DA 08-958

April 24, 2008

Jeffery C. Gehman
Kessler and Gehman Associates, Inc.
507-C N.W.
60th Street
Gainesville, FL 32607

Re: Call Sign E080075
File No. SES-LIC-20080404-00421

Dear Mr. Gehman:

On April 4, 2008, Alabama Educational Television Commission (Licensee of WLRH-FM) filed an application for a license to operate a new transmit and receive earth station in the conventional Ku-band¹ using a 1.8 meter antenna. For the reasons discussed below, we dismiss the application 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, contains internal inconsistencies, or does not substantially comply with the Commission's rules. WLRH-FM's application does not comply with the Commission's rules, which renders it unacceptable and subject to dismissal. The deficiencies are as follows:

In the application, WLRH-TV lists ALSAT-designated satellites as the earth station's only intended points of communication. Earth station applicants may not use the ALSAT designation in cases where the earth station's power density exceeds the limits in Section 25.212(c) of the Commission's rules, 47 C.F.R. § 25.212(c). Applicants proposing operations exceeding these limits must identify specific satellites as points of communications.² In response to item E49 of Schedule B, WLRH-FM lists 47.70 dBW/4kHz as the maximum equivalent isotropic radiated power (e.i.r.p.) density per carrier for emission 8M56G7D. Based on this information, we calculate the power density at the input of the antenna flange as +0.70 dBW/4kHz (subtracting the antenna gain from the e.i.r.p. density). This value exceeds the -14.0 dBW/4kHz power density limit in Section 25.212(c). Thus, WLRH-FM 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 *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 (1999), at 7210 n.19.

Additionally, applicants requesting authority for earth stations that will operate at a power density exceeding the levels 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. WLRH-FM's application does not include these certifications, which renders it unacceptable for filing.

Finally, in response to item E40 of Schedule B, WLRH-FM lists the total e.i.r.p for all carriers as 75.1 dBW. In response to item E48 of Schedule B, however, WLRH-FM lists the maximum e.i.r.p per carrier for emission 8M56G7D as 81.0 dBW. This exceeds the total e.i.r.p for all carriers. Given this discrepancy, we cannot determine the proposed emission power, which renders the application unacceptable for filing.

While we dismiss the application on the grounds discussed above, we take the opportunity to apprise WLRH-FM of other inconsistencies within the application. The application contains discrepancies in the values listed in the submitted RF radiation hazard assessment and the values listed in Schedule B of Form 312. Specifically, WLRH-FM's RF assessment uses an 8.1 meter antenna with a transmit antenna gain of 59.8 dBi and a transmitting power of 132 W. In its application, however, WLRH-FM lists its proposed antenna size as 1.8 meters (item E32 of Schedule B), its transmit antenna gain as 47.0 dBi (item E41 of Schedule B), and the total input power at the antenna flange as 650 W (item E38 of Schedule B). WLRH-FM must correct these discrepancies in 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 WLRH-FM's application without prejudice to refiling.³

Sincerely,

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

³ If WLRH-FM refiles an application in which the deficiencies identified in this letter have been corrected but otherwise identical to the one dismissed, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).