



Federal Communications Commission
Washington, D.C. 20554

DA 09-195

February 5, 2009

Mr. Stephen D. Baruch
Leventhal Senter & Lerman PLLC
2000 K Street, N.W.
Suite 600
Washington, DC 20006

Re: Call Sign E7541
File No.: SES-LIC-20081103-01443
File No.: SES-AMD-20081130-01518
File No.: SES-AMD-20081219-01664

Dear Mr. Baruch:

On November 3, 2008, Lockheed Martin Corporation (Lockheed Martin) filed the above-captioned application for a license to operate a fixed earth station in the Extended-C band, Conventional C-band and Ku-band and communicate with ALSAT-designated satellites and specific Intelsat satellites. This earth station was previously licensed under Call Signs E7541 and E920702.¹ On November 30, 2008 Lockheed Martin filed an amendment to make certain changes to the proposed earth station. Further, on December 19, 2008 Lockheed Martin filed an amendment to clarify the earth station's proposed emission and power levels. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss, without prejudice to refiling, that portion of the December 19 amendment that seeks to use the emission 3M00G7D for earth station antenna S-ANT 1-Ku.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. A portion of Lockheed Martin's December 19th amendment (SES-AMD-20081219-01664) does not comply with the Commission's rules, which renders it unacceptable and subject to dismissal. The deficiency is as follows:

¹ These licenses expired in August 2007. In May 2008, Lockheed Martin filed a petition for reinstatement of the expired licenses. In the applications at issue here, Lockheed Martin seeks a new license for the earth station in lieu of a reinstated license. The petition for reinstatement remains pending while we consider the request for a new license.

² If Lockheed Martin refiles an amendment identical to the one dismissed, with the exception of supplying the missing information, it need not pay an application fee. See 47 C.F.R. §1.1109(d).

In response to item E49 of the amended Schedule B, Lockheed Martin lists 86.5 dBW as the maximum EIRP per carrier and 57.8 dBW/4kHz as the maximum EIRP density per carrier for emission 3M00G7D for antenna S-ANT 1-Ku. In response to item E41/E42 of Schedule B, Lockheed Martin lists 63.5 dBi as the antenna gain for antenna S-ANT 1-Ku. Based on this information, we calculate the input power density at the antenna flange as -5.7 dBW/4kHz (subtracting the antenna gain from the EIRP density) for emission 3M00G7D for antenna S-ANT 1-Ku. This value exceeds the -14 dBW/4kHz power density limit in Section 25.212(c) of the Commission's rules, 47 C.F.R. § 25.212(c). Applicants requesting authority for earth stations that will operate at a power density exceeding the levels in Section 25.212(c) and Section 25.212(d)(1) of the Commission's rules 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. Lockheed Martin did not include these required certifications for the proposed emissions. Thus, the portion of Lockheed Martin's amendment pertaining to the 3M00G7D emission is defective.

In addition, because Section 25.220(e)(1) of the Commission's rules, 47 C.F.R. § 25.220(e)(1), requires certifications from each specific target satellite operator, any operating authority issued pursuant to Section 25.220(e)(1) must be limited to the specific target satellite operators for which certifications have been provided. Therefore, Lockheed Martin cannot use an ALSAT designation for this emission and must specifically list all satellites with which the earth station intends to communicate using this emission.

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 emission 3M00G7D from the amendment indicated above.

Sincerely,

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