



Federal Communications Commission
Washington, D.C. 20554

DA 09-2463

November 24, 2009

Reid M. Riddell
Uplynx, Inc.
25170 Strawberry Lane
Southfield, MI 48033

Re: Call Sign: E090130
File No. SES-LIC-20090723-00906

Dear Mr. Riddell:

On July 23, 2009, Uplynx, Inc. filed the above-captioned application for authority to operate a Temporary-Fixed Ku-Band Transmit/Receive Earth Station. For the reason discussed below, we dismiss the application as defective, without prejudice to refiling.¹

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

Question 28 of Form 312 indicates that a radiation hazard study must accompany all applications as an exhibit for new transmitting facilities such as the one proposed.² However, Uplynx, Inc.'s application did not include this required exhibit.

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 Uplynx, Inc.'s application as incomplete without prejudice to refiling.

Sincerely,

Kathryn Medley
Chief, Satellite Engineering Branch
Satellite Division
International Bureau

¹ If Uplynx, Inc. refiles an application in which the deficiency identified in this letter has been corrected but otherwise identical to the one dismissed, it need not pay an application fee. *See* 47 C.F.R. § 1.1111(d).

² *See* 47 C.F.R. § 1.1307(b).