



Federal Communications Commission
Washington, D.C. 20554

DA 09-2466

November 24, 2009

David H. Pawlik
Skadden, Arps, Slate, Meagher and Flom, P.C.
1440 New York Ave., NW
Washington, DC 20005

Re: Call Sign: E090142
File Nos. SES-REG-20090812-00996

Dear Mr. Pawlik:

On August 12, 2009, NW Communications of Phoenix, Inc. (NW Communications) filed the above-captioned registration application for a C-Band Receive-Only earth station. For reasons discussed below, we dismiss the application as defective, without prejudice to refile.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. NW Communications' application is incomplete or otherwise inconsistent with the Commission's rules, which renders it unacceptable and subject to dismissal. The deficiencies are as follows:

NW Communications did not provide any response to Questions E21, E41/42, and E47 of Schedule B regarding the points of communication and antenna gain. Further, NW Communications' application requests the use of the band 34000 MHz to 42000 MHz. The only FSS allocation in this frequency range is 37500-42000 MHz and there are no satellites currently operating in this frequency band. Therefore, we dismiss the application as defective.

We believe that NW Communications meant to request the use of the 3400-4200 MHz portion of the C-band. However, we advise NW Communications' that, should it choose to refile, the 3400-3600 MHz band is not allocated for the FSS in the United States pursuant to Section 2.106 of the Commission's rules, 47 C.F.R. §2.106. In addition, under footnote US245, 47 C.F.R. §2.106, the 3600-3650 MHz band is limited to international intercontinental systems and is subject to a case-by-case interference analysis. Lastly, under footnote NG169, 47 C.F.R. §2.106, the 3600-3650 MHz band is limited to grandfathered stations, and applications for new earth station facilities shall not be accepted after December 1, 2000. Consequently, the Commission does not process requests for registration of these frequency bands.

In addition, NW Communications' application did not include a Frequency Coordination and Interference Analysis Report for the 3700-4200 MHz band as required by Section 25.203(c) of the Commission's rules, 47 C.F.R. §25.203(c). Further, NW Communications checked the "yes"

¹ If NW Communications of Phoenix, Inc. 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).

box indicating that the FAA Report under Section 25.203(c) of the Commission's rules, 47 C.F.R. §25.203(c), was required, but NW Communications did not attach this report.

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 NW Communications of Phoenix, Inc.'s application as incomplete without prejudice to refile. If NW Communications chooses to refile, please ensure that all frequency bands are properly identified and that all required reports are attached.

Sincerely,

Kathryn Medley
Chief, Satellite Engineering Branch
Satellite Division
International Bureau