



Federal Communications Commission
Washington, D.C. 20554

DA 09-2467

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: E090147
File No: SES-REG-20090815-01005

Dear Mr. Pawlik:

On August 15, 2009, NW Communications of Phoenix (NW Communications), Inc. filed the above-captioned registration application for a C and Ku-band Receive-Only earth station. For reasons discussed below, we dismiss the application as defective, without prejudice to refile.¹

All applicants seeking licenses or registrations for Receive-Only earth stations must include all items of information required by FCC Form 312 and its associated Schedule B. 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 because it does not include a Frequency Coordination and Interference Analysis Report as required by Section 25.203(c) of the Commission's rules, 47 C.F.R. §25.203(c). Therefore, NW Communications' application is unacceptable for filing and subject to dismissal.

In addition, NW Communications' application requests the use of the 117000 MHz to 127000 MHz band. The Commission does not authorize satellites in this frequency range. We assume that NW Communications meant to request the use of the conventional Ku-band at 11700-12200 MHz. Nevertheless, the Commission does not license or register Receive-Only FSS stations operating with ALSAT-designated satellites in the 11.7-12.2 GHz portion of the Ku-band.² Because the FSS is the only primary allocation in this band, operations to the FSS receive-only Ku-band earth stations are protected against interference from the operations of any other communications service. As such, licensing or registering these earth stations is unnecessary.

Further, NW Communications request the use of the 3400-3700 MHz band. Pursuant to Section 2.106 of the Commission's rules, 47 C.F.R. §2.106, the 3400-3600 MHz band is not allocated for the FSS in the United States. 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-

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).

² See *Deregulation of Domestic Receive-Only Satellite Earth Stations*, Second Report and Order, CC Docket No. 78-374, (adopted March 25, 1986).

case interference analysis. Lastly, under footnote NG169, 47 C.F.R. §2.106 Footnote No. NG169, 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.

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 refileing.

Sincerely,

Kathryn Medley
Chief, Satellite Engineering Branch
Satellite Division
International Bureau