



Federal Communications Commission
Washington, D.C. 20554

DA 09-645

March 19, 2009

Mr. Daniel Swartz
Videocom Satellite Associates, Inc.
502 Sprague Street
Dedham, MA 02026

Re: Call Sign E990026
File No. SES-MOD-20090306-00267

Dear Mr. Swartz:

On March 6, 2009, Videocom Satellite Associates, Inc. (Videocom) filed the above-captioned application to modify its license for earth station call sign E990026. The earth station operates in the conventional C-and Ku-bands.¹ The application proposes to replace the earth station's C-Band Comtech antenna (model 18 FT Offsat) with a C/Ku-band combination AVL antenna (model 2400C/K), change emission designators for C-band operations, add new emissions designators for Ku-Band operations, lower the input power at the antenna flange level, and change to a temporary-fixed satellite service. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss the application as defective without prejudice to refiling.

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. Videocom's application does not comply with the Commission's rules, which renders it unacceptable and subject to dismissal.

In response to item E38 of Schedule B, Videocom lists the maximum input power at the antenna flange for the proposed AVL antenna model as 400 Watts. Question 28 of Form 312 indicates that a radiation hazard study must accompany all applications as an exhibit for transmitting facilities operating at this power.² Although Videocom submitted a radiation hazard study, the study was based on a transmit power less than 400 Watts. Consequently, the application is defective.

While we dismiss the application on the above basis, we take the opportunity to apprise Videocom of other potential issues with the application should it choose to refile.

¹ The conventional C-band encompasses the 3700-4200 MHz and 5925-6425 MHz frequency bands and the conventional Ku-band encompasses the 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands.

² See 47 C.F.R. §§ 1.1307(b) and 1.1310.

In response to Question E15 of Schedule B, Videocom indicates that its proposed AVL antenna, model complies with the antenna gain patterns specified in Section 25.209(a) and (b) of the Commission's rules, 47 C.F.R. § 25.209(a) and (b). Although, in this case, Videocom is not required to submit antenna gain patterns for its proposed earth station antenna, we find that we cannot process Videocom's application further without the patterns specified under Section 25.132(b)(3) of the Commission's rules, 47 C.F.R. § 25.132(b)(3). Section 25.132(a)(1) of the Commission's rules, 47 C.F.R. § 25.132(a)(1), authorizes the Commission to request earth station license applicants to demonstrate compliance with Sections 25.209(a) and (b).

Further, in response to item E38 of Schedule B, Videocom lists the maximum input power at the antenna flange as 400 Watts. In response to item E41/42, Videocom lists the antenna transmit gain for C-band operation as 41.8 dBi (measured at 6.175 GHz). Using these values, we calculate the total EIRP for all carriers to be approximately 67.8 dBW. Videocom lists the total EIRP for all carriers as 75.3 dBW. We request that, in any refiling, Videocom adjust the total EIRP for all carriers and the maximum input power level at the antenna flange, and adjust the EIRP per carrier for each proposed C-band emission so to conform with the revised total EIRP for all carriers.

Accordingly, pursuant to Section 25.2112(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 the application as defective without prejudice to refiling.³ In any refiling, Videocom must provide the requested information regarding its proposed C-Band operations.

Sincerely,

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

³ If Videocom Satellite Associates, Inc. refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).