



Federal Communications Commission
Washington, D.C. 20554

DA 10-99

January 20, 2010

Mr. Richard Thomas
Telesat
1601 Telesat Court
Gloucester, ON
Canada K1B 5P4

Re: Call Sign E090187
File No.: SES-LIC-20091030-01402

Dear Mr. Thomas:

On October 30, 2009, Telesat filed the above-captioned application for a license to operate an earth station that will communicate using a non-routine 2.4 meter antenna operating in the conventional C-band.¹ 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.

In its application, Telesat indicates that it intends to use a Vertex antenna model that was approved in another FCC authorization (SES-LIC-20070508-00564). This earth station is included on the list of approved non-routine antennas posted on the Commission's website. Earth station applicants proposing to use an antenna that is on this list are not required to attach antenna radiation plots as an exhibit to their applications, as required by Section 25.132(b)(3) of the Commission's rules.² They are required to provide all other applicable information required by Part 25.

¹ The conventional C-band encompasses the 3700-4200 MHz and 5925-6425 MHz frequency bands.

² 2000 Biennial Regulatory Review – Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations, *Fifth Report and Order*, IB Docket No. 00-248, 20 FCC Red 5666 (2005). *See also* Public Notice, DA 09-425 (Feb. 23, 2009).

Question 28 of FCC Main Form 312 indicates that a radiation hazard study must accompany all applications for new transmitting facilities.³ Telesat has not filed the required radiation hazard study. Consequently, its application is incomplete and subject to dismissal.

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 Telesat's application without prejudice to refile.⁴

Sincerely,

Kathryn Medley
Chief, Satellite Engineering Branch
Satellite Division
International Bureau

³ See 47 C.F.R. § 1.1307(b).

⁴ If Telesat 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).