



Federal Communications Commission
Washington, D.C. 20554

DA 11-339

February 23, 2011

Mr. Jaime Dickinson
Newcom International, Inc.
15590 NW 15th Avenue
Miami, FL 33169

Re: NewCom International, Inc. Applications to Modify the License for Earth Station Call Sign E040267 to add the Express AM44 Satellite as a Point of Communication (File Nos. SES-MFS-20100108-00025 and SES-AFS-20101027-01351)

Dear Mr. Dickinson:

On January 8, 2010, NewCom International, Inc. ("NewCom") filed an application to modify the license for its fixed satellite service (FSS) earth station (call sign E040267) to add the Russian Express AM44 space station, which is operating at the 11° W.L. orbital location, as a point of communication, using the 5925-6525 MHz (uplink) and 3650-4200 MHz (downlink) frequency bands.¹ For the reasons stated below, we dismiss the application, as amended, without prejudice to refile.²

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. Further, Section 25.137(b) of the Commission's rules, 47 C.F.R. § 25.137(b), states that applications for earth stations seeking to access a non-U.S.-licensed space station, such as Express AM44, must include the information required by Section 25.114, 47 C.F.R. § 25.114. This includes a complete Schedule S for the non-U.S.-licensed space station. NewCom's application, as amended, has the following deficiencies, which renders the application unacceptable and subject to dismissal.

1. NewCom did not provide the information required by items S13(a-o), S15(e), S15(i-k) of Schedule S.
2. Applicants requesting operating authority for space stations in the Fixed-Satellite Service (FSS) must provide an interference analysis pursuant to Sections 25.140(b)(2) of the Commission's rules 47 C.F.R. §§ 25.140(b)(2). The interference analysis must demonstrate

¹ On October 27, 2010, NewCom filed an amendment to this application, seeking authority to add emission designators and to reduce the power flux density levels provided in its original application. See IBFS No. SES-AFS-20101027-01351.

² If NewCom 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. § 1.1111(d).

that the proposed FSS satellite system will be compatible with the Commission's two-degree orbital spacing environment. On December 3, 2003, the International Bureau released a Public Notice clarifying the types of showings that must be provided and stating that applications filed after December 3, 2003 that do not contain this analysis will be dismissed as incomplete.³ NewCom's application does not contain the required analysis.

3. NewCom did not identify the coordination limits for the 3650-3700 MHz band in items E51 to E60 of Schedule B, as required.
4. Section 25.114(c)(4)(ii) of the Commission's rules, 47 C.F.R. § 25.114(c)(4)(ii), requires applicants to provide final amplifier output power and to identify any net losses between output of final amplifier and the input of the antenna and specify the maximum effective isotropically radiated power (EIRP) for each antenna beam. NewCom did not provide transmit input losses in item S7(k) of Schedule S, as required. In addition, in item S7(c), NewCom indicates there is a total of 40 dBi of peak gain (S7(c)) and 100 watts of transmit effective output power (S7(l)). These amounts are inconsistent with the maximum transmit EIRP levels of 39 dBW or 47 dBW that NewCom indicates in item S7(m). Because of this inconsistency, we cannot determine the EIRP of the Express AM44 satellite.
5. Section 25.114(c)(4)(v) of the Commission's rules, 47 C.F.R. § 25.114(c)(4)(v), requires applicants to provide the relationship between satellite receive antenna gain pattern and gain to-temperature ratio and saturation flux density for each antenna beam. Based on the 40 dBi of peak gain you provide in response to item S7(c) and the 500 K of receiving system noise temperature you provide in item S7(n), our calculation indicates the G/T is 13.01 dB/K. This is different from the value (3.5 dB/K) provided by NewCom in item S7(o). Because of this inconsistency, we cannot determine G/T value and the minimum saturation flux density.

In addition, while not grounds for dismissal, we request NewCom to clarify several other items in any refiled application:

1. In response to item E43/E44 of Schedule B, NewCom requests authority to communicate with Express AM 44 in the 3650-3700 MHz frequency band. As of December 1, 2000, new FSS earth stations in this band may be authorized on a secondary basis only to the co-primary fixed service and mobile service operations. 47 C.F.R. § 2.106 footnote NG169. In any refiling, NewCom should indicate that it is willing to operate on a secondary basis, that is, that it is will to accept any interference to its operations caused by primary operations.
2. In your coordination report, you identify 144 carriers operating in the 6425-6525 MHz and 3700-4200 MHz bands within the 318 kilometer great circle coordination distance. This list of stations in our records does not match the list of stations in your coordination report. In any refiling please confirm that your list was compiled from current FCC databases.
3. In response to items E54 and E55 of Schedule B, NewCom indicates it seeks to operate in the range of arc from 11-11.0° W.L. However, the values NewCom provides in items E57 and

³ See Clarification of 47 C.F.R. § 25.140(b)(2), Space Station Application Interference Analysis, *Public Notice*, No. SPB-195, DA 03-3863 (rel. Dec. 3, 2003).

E59 of Schedule B for elevation angle and in items E56 and E58 for azimuth angle are inconsistent with this range of arc. This discrepancy should be corrected in any refiling.

4. In item 21 of the Main Form, NewCom indicates that it operates as a “non-common carrier.” This is inconsistent with the current license for the earth station, which requires NewCom to operate on a common carrier basis. If NewCom seeks to modify its license to allow it to operate on a non-common carrier basis, it should clearly indicate, in any refiled application, that it seeks to change its regulatory status.
5. You request authority to operate in the 3650-3700 MHz band. This band is limited to international operations pursuant to footnote NG 185 of the U.S. Table of Frequency Allocations, 47 C.F.R. § 2.106, footnote NG 185. Consequently, in any refiling, you should list the destination points of service in item E27 of Schedule B.

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 the application as defective without prejudice to refiling.

Sincerely,

Robert G. Nelson
Chief, Satellite Division
International Bureau

cc: Frank Lamancusa
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