



Federal Communications Commission
Washington, D.C. 20554

DA 12-364

March 8, 2012

Mr. Ryan Wilhour
Kessler and Gehman Associates, Inc.
507 NW 60th Street
Suite C
Gainesville, FL 32607

Call Sign: E120035
File No.: SES-LIC-20120221-00190

Dear Mr. Wilhour:

On February 21, 2012, Alabama Educational Television Commission (Alabama Educational) filed the above-captioned application for a license to operate a new transmit and receive temporary-fixed earth station that will use a Norsat 1.8 meter antenna operating in the conventional Ku-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 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 earth station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. The Alabama Educational application is not substantially complete, which renders it unacceptable and subject to dismissal. The deficiencies are as follows:

Alabama Educational did not include a radiation hazard study as an exhibit to its application. Item 28 of FCC Form 312 indicates that a radiation hazard study must accompany all applications as an exhibit for new transmitting facilities such as the one proposed.³

Furthermore, Alabama Educational did not submit any information in response to items E41/E42, E28, E43/44, E45-E49, E50, E51-E60 in Schedule B of its application.

¹ The conventional Ku-band encompasses the 11.7 – 12.2 MHz and 14.0-14.5 frequency bands.

² If Alabama Educational 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).

³ 47 C.F.R. § 1.1307(b).

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 the Alabama Educational application without prejudice to refileing.

Sincerely,

Paul E. Blais
Chief, Systems Analysis Branch
Satellite Division
International Bureau