



Federal Communications Commission  
Washington, D.C. 20554

DA 12-877

June 4, 2012

Mr. Michael J. Beeler  
Comtech EF Data Corp.  
20430 Century Blvd  
Germantown, MD 20874

Call Sign: E120058  
File No.: SES-LIC-20120320-00283

Dear Mr. Beeler:

On March 20 2012, Comtech EF Data Corp. (Comtech) filed the above-captioned application for a license to operate new 1.0, 1.2, 1.8, and 2.4-meter transmit/receive earth stations in the conventional Ku-band.<sup>1</sup> For the reason explained below, we dismiss that portion of the application that proposes to operate a 1.0-meter General Dynamics antenna without prejudice to re-filing.<sup>2</sup>

Section 25.112(a) of the Commission's rules 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.<sup>3</sup> Comtech's application does not comply with the Commission's rules, which renders it unacceptable and subject to dismissal. The deficiency is as follows:

In response to Question E21 in Schedule B of FCC Form 312, Comtech lists "ALSAT" as the proposed points of communication. Earth station applicants may designate ALSAT as a point of communication only in cases where the earth station is eligible for routine processing.<sup>4</sup> An earth station proposing to operate in the conventional Ku-band must comply with Section 25.212(c) or,

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<sup>1</sup> The conventional Ku-band encompasses the 11.7-12.2 GHz downlink and 14.0-14.5 GHz uplink frequencies.

<sup>2</sup> If Comtech refiles an application identical to the portion dismissed, with the exception of supplying the corrected information, it need not pay an application fee. *See* 47 C.F.R. § 1.1111(d).

<sup>3</sup> 47 C.F.R. § 25.112(a).

<sup>4</sup> *See* Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Services in the United States, IB Docket No. 96-111, First Order on Reconsideration, 15 FCC Rcd 7207 (1999), at 7213 ¶13 (stating that licenses for "routine" earth stations providing fixed-satellite service in the conventional C-band Ku-band may specify "ALSAT" as authorized points of communication, and noting that a "routine" earth station is one that operates consistently with the technical requirements of Part 25).

in the alternative, with Section 25.218 to be processed routinely.<sup>5</sup> Applicants proposing an earth station that does not qualify for routine processing must identify specific satellites as proposed points of communication.

Comtech's proposed 1.0 meter antenna does not qualify for routine processing under Section 25.212(c). Thus, Comtech must demonstrate that the antenna, which will carry digital signals in the conventional Ku-band, complies with the off-axis effective isotropically radiated power (EIRP) limits in Section 25.218(f) to be eligible for routine processing. To make this demonstration, an applicant must submit the off-axis EIRP tables described in Section 25.115(h). Comtech's application did not contain these tables. Consequently, we cannot find that Comtech's proposed 1.0-meter antenna is eligible for routine processing pursuant to Section 25.218. Comtech cannot therefore propose "ALSAT" as a point of communication for this antenna.

In light of the above, pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, we dismiss that portion of the application that requests authority to operate a 1.0-meter General Dynamics antenna without prejudice to re-filing. Please note that if Comtech wishes to re-file an application for this antenna without a demonstration that the antenna qualifies for routine processing under Section 25.118(f), it must include certifications from potentially affected adjacent satellite operators pursuant to Section 25.220(d) in its application.

Sincerely,

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

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<sup>5</sup> 47 C.F.R. §§ 25.212(c) and 25.218. *See* 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, IB Docket No. 95-117, Eighth Report and Order On Reconsideration, 23 FCC Rcd 15099 (2008), at 15100 ¶¶ 2-3 and 15144 ¶ 108 (extending routine licensing to small antennas that meet specified off-axis effective isotropically radiated power (EIRP) envelopes).