



Federal Communications Commission
Washington, D.C. 20554

DA 12-94

January 27, 2012

Michelle A. McClure
Fletcher, Heald & Hildreth
1300 North 17th Street
11th Floor
Arlington VA 22209

Re: File No.: SES-STA-20111007-01200

Dear Ms. McClure:

On October 7, 2011, Globecomm Systems, Inc. (Globecomm) filed the referenced application seeking special temporary authority to operate an earth station to communicate with the XTAR-LANT satellite using the 7.25-7.75 and 7.9-8.4 GHz frequency bands. For the reason stated below, we dismiss the application.

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112 (a)(2), requires the Commission to return, as unacceptable for filing, any earth station application that does not substantially comply with the Commission's rules. The 7.25-7.75 and 7.9-8.4 GHz frequency bands are not allocated for use by non-federal fixed satellite service operations under Section 2.106 of the Commission's rules, and federal station operations are limited to military operations pursuant to footnote G117 to Section 2.106. Thus, the proposed station does not comply with the Commission's rules. Globecomm did not request waiver of this rule, and we find no basis for waiving the rule on our own motion.¹

In light of the above, pursuant to Section 25.112(a)(2) of the Commission's rules, 47 C.F.R. § 25.112(a)(2) and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss the referenced application. Globecomm and its customer may either pursue authorization of this station as a Federal government station, through processes administered by the National Telecommunications and Information Administration (NTIA), or may re-file the application with a request for waiver of the Commission's rules. We have had initial discussions with NTIA concerning materials that should be provided in the event Globecomm elects to continue to pursue FCC authorization, and request that any re-filed application should include, at a minimum, a letter of support from the Military Departments (for the proper contact information, see <http://www.ntia.doc.gov/files/ntia/IRACMembershipList.pdf>). We are continuing our consultations with NTIA and the military in order to get formal guidance for future similar requests.

¹ See 47 C.F.R. §25.113 (b).

For your information, we would also note that the Commission has, through the experimental licensing process, granted requests for operations using the same frequency bands and satellite proposed in your application, but only for purposes of equipment demonstrations in connection with procurement of stations to be operated as Federal government stations. Any further request for FCC action will need to provide a compelling justification for additional non-Federal government use of these frequencies.

Sincerely,

Robert G. Nelson
Chief, Satellite Division
International Bureau