



Federal Communications Commission
Washington, D.C. 20554

DA 13-442

March 14, 2013

Donald M. Jansky
Jansky-Barmat Telecommunications, Inc.
7703 Arrowood Ct.
Bethesda, MD 20817

Re: Hispamar Satélites, S.A.
SAT-PPL-20121018-00183
(Call Sign S2886)

Dear Mr. Jansky:

On October 18, 2012, Hispamar Satélites, S.A. (Hispamar) filed a Petition for Declaratory Ruling to add the Amazonas-3 space station to be operated at the 61° W.L. orbital location and licensed by Brazil, to the Commission's Permitted Space Station List for the C and Ku-bands and the Ka-band Permitted List. For the reason set forth below, we dismiss that portion of the petition asking us to add the Amazonas-3 space station to the Ka-band Permitted List.¹

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any space station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules or other requirements. In a 2004 Public Notice, the International Bureau provided a list of orbital locations that are not available for commercial space station operations in the United States in the 17.8-20.2 GHz frequency band (Ka-band) because the Federal Government has authorized a Ka-band satellite to operate at that location.² The Public Notice further states that orbital locations that are less than two degrees away from a location listed as "unavailable" are also unavailable for U.S. operations.³ The Public Notice lists the 60° W.L. orbital location as unavailable.

As a result, the 61° W.L. orbital location from which Hispamar seeks to serve the U.S. market is not available for Ka-band commercial space station operations in the United States. Consequently, Hispamar's request to add the Amazonas-3 space station to the Ka-band Permitted List does not comply

¹ This application was placed on Public Notice. See Policy Branch Information, *Public Notice*, Report No. SAT-00912 (Nov. 23, 2012). The Commission, however, reserves the right to return any application placed on public notice if, upon further examination, it is determined that the application is not in conformance with the Commission's rules or its policies. 47 C.F.R. § 25.154.

² *Public Notice*, Ka-Band Licenses Surrendered: Current List of Orbital Locations Not Available for Licensing in Portions of the Ka-Band, Report No. SPB-208 (Jul. 23, 2004).

³ *Id.*

with the Commission's requirements. We therefore dismiss the portion of the request to add the Amazonas-3 space station to the Ka-band Permitted List.⁴

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 that portion of Hispamar's Petition requesting to add the Amazonas-3 space station to the Ka-band Permitted List, without prejudice to refileing.

Sincerely,

Fern J. Jarmulnek
Acting Chief, Satellite Division
International Bureau

⁴ Hispamar's request to add the Amazonas-3 space station to the C and Ku-band Permitted Space Station List will be addressed separately.