



Federal Communications Commission  
Washington, D.C. 20554

November 16, 2015

DA 15-1320

The Boeing Company  
Mr. Bruce Olcott  
51 Louisiana Ave, NW  
Washington, DC 20001

bolcott@jonesday.com

Call Sign: E140097  
File No.: SES-MOD-20151009-00675

Dear Mr. Olcott:

On October 8, 2015, The Boeing Company (Boeing) filed the above-captioned application to modify its current blanket authorization for Earth Station Aboard Aircraft (ESAA) antennas to add a new antenna type and frequencies of operations. Pursuant to Section 25.112(a) (1) and (2), we dismiss the application as defective without prejudice to re-filing.<sup>1</sup>

Section 25.112 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, 47 C.F.R. § 25.112. The deficiencies are as follows:

1. ESAA authorizations must comply Section 25.227 of the Commission's rules.<sup>2</sup> Boeing's application only provided antenna gain patterns in reference to Section 25.132 and 25.209 of the Commission's rules.<sup>3</sup> It did not include the necessary technical demonstrations of compliance for off axis EIRP spectral density, pointing error control, and cessation of emission requirements
2. Section 25.115(a)(1) of the Commission's rules, 47 C.F.R. § 25.115(a)(1) requires all applicants to complete FCC Form 312, Main Form and Schedule B, and include the information specified in §25.130. Boeing's application did not include a completed Schedule B that listed all the points of communication and the EIRP densities for all emission designators requested.
3. Boeing indicated in Item 35 of Form 312 that it was not requesting a waiver of, or exemption from, any of the Commission's rules. However, Boeing requested authority to operate ESAA antennas in the 12.2-12.75 GHz frequency band. Section 25.227 of the Commission's rules does not include this frequency band. Section 2.106 of the Commission's rules does not reflect any allocation for ESAA operation in this frequency

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<sup>1</sup> If Boeing re-files an application in which the deficiencies identified in this letter have been corrected but otherwise identical to the one dismissed, it need not pay an application fee. *See* 47 C.F.R. § 1.1111(d).

<sup>2</sup> *See* 47 C.F.R. § 25.227

<sup>3</sup> *See* 47 C.F.R. §§ 25.132 and 25.209

band.<sup>4</sup> Boeing must submit waiver request with justification for each Commission rule that this application does not comply with.

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, 47 C.F.R. §0.261, we dismiss the application without prejudice to re-filing.

Sincerely,

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

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<sup>4</sup> 47 C.F.R. § 2.106