



Federal Communications Commission
Washington, D.C. 20554

DA 15-329

March 13, 2015

David Wilson
President
Spectrum Five LLC
1776 K Street, NW, Suite 200
Washington, DC 20036

Re: Spectrum Five LLC Petition for Declaratory Ruling to Provide Service from 110.9° W.L., IBFS File No. SAT-LOI-20141216-00131 (Call Sign S2937)

Dear Mr. Wilson:

On December 16, 2014, Spectrum Five LLC (Spectrum Five) filed the above-captioned petition to provide service to the U.S. market through a Netherlands-authorized satellite from the 110.9° W.L. orbital location using the 17/24 GHz Broadcast-Satellite Service (BSS) band. For the reasons discussed below, we dismiss the application as defective, without prejudice to re-filing.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. Spectrum Five's application does not provide complete technical information about the proposed space station in the attached Schedule S form, as required by Section 25.114(b) of the Commission's rules.² Specifically, Spectrum Five's Schedule S is incomplete for the following reasons:

- Although four beam diagrams are listed by name in Schedule S, only three beam diagrams are attached to the application: one downlink, one uplink and one telemetry beam. Moreover, according to Table 2-1 in the technical narrative, there should be two downlink and two uplink beams (RHCP & LHCP) as required to satisfy the full frequency reuse requirements of Section 25.210 (f) of the Commission's rules, 47 C.F.R § 25.210 (f). In addition, only one telemetry beam diagram is included, although the narrative indicates two such beams. Also missing are diagrams for the two command beams and the two beacons. Further, the uplink beam names as indicated in the diagrams do not match those used in Schedule S. Spectrum Five did not request any waiver of the rules to account for the missing information.
- Information for only four beams appears in Schedule S, Tables S.7, S.8, and S.10. Presumably, there should be additional information for the remaining beams as discussed above. Please note that if the two beams of each polarization have been grouped together with a single beam name (*e.g.*, USA)

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

² 47 C.F.R. § 25.114 (b) ("A comprehensive proposal shall be submitted for each proposed space station on the FCC Form 312, Main Form and Schedule S."). A Schedule S form is required for any space station application because it organizes existing data requirements into a standard format that can be captured in our licensing database, which makes it easier to ensure that applicants comply with our technical requirements. *Amendment of the Commission's Space Station Licensing Rules and Policies*, Third Report and Order and Second Notice of Proposed Rulemaking, 18 FCC Rcd 15306, 13492, ¶ 11 (2003).

then this is incorrectly done. Rather, these must be identified as two distinct beams (*e.g.*, USAR and USAL), with all the required parameters provided for each.

- In addition, other missing information includes:³
 - a. The maximum EIRP density for each space station transmitting beam as required by Section 25.114(c)(4)(ii);⁴ and
 - b. The maximum saturation flux density (SFD) at beam peak (for each receiving beam other than command beams), and the beam peak flux density at the command threshold for the command beams as required by Section 25.114(c)(4)(v).⁵
- Finally, regarding the requirement in Section 25.114(d)(15)(iv) to provide the antenna off axis gain data and pfd information specified in Section 25.264(a)-(b), we note that the information supplied in the Appendices B and BII is in the form of off-axis EIRP data, and not gain data, as required by our rules.

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 the application of Spectrum Five LLC without prejudice to re-filing.

Sincerely,

Jose P. Albuquerque
Chief, Satellite Division
International Bureau

³ See Comprehensive Review of Licensing and Operating Rules for Satellite Services, *Report and Order*, 28 FCC Rcd 12403, 12429, n.164 (2013) for guidance in filing this information.

⁴ In the PFD discussion found in Section 7.1 of the narrative, a maximum downlink EIRP density of 58.5 dBW/25.8 MHz is mentioned. It is not clear for which downlink beam this value is applicable, nor is it specified over a 1 MHz bandwidth as required by our rules.

⁵ The Command Link Budget lists an SFD value of -83.7 dBW/m², however, it is not clear if this value is the peak saturation flux density at the command threshold, or to which of the command beams it applies.