Federal Communications Commission
Washington, DC 20554

International Bureau

DA 04-3458

October 28, 2004

Mr. Robert Lewis
SkyTerra Communications, Inc.
19 West 44th Street, Suite 507
New York, NY 10036

Re: Application of SkyTerra Communications, Inc. for Authority to Construct, Launch and Operate Two Co-located Geostationary Satellites in the Fixed-Satellite Service Using the Ka-band at the 95° W.L. Orbital Location, File No. SAT-LOA-20040914-00175, Call Sign: S2642

Dear Mr. Lewis:

On September 14, 2004, SkyTerra Communications, Inc. ("SkyTerra") filed an application for authority to construct, launch and operate two co-located geostationary satellites in the Fixed-Satellite Service, using the 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz and 29.25-30 GHz frequency band, at the 95° W.L. orbital location. For the reasons discussed below, we dismiss the application as defective, without prejudice to refiling.

Section 25.114(c) of the Commission's rules, 47 C.F.R. § 25.114(c), requires all space station applicants to submit all applicable items of information listed in its subsections. Sections 25.112(a)(2) and (b)(1) of the Commission's rules, 47 C.F.R. §§ 25.112(a)(2) and (b)(1), state that an application that does not substantially comply with the Commission's rules will be returned to the applicant as unacceptable for filing unless the application is accompanied by a waiver request with reasons supporting the waiver. In the *First Space Station Reform Order*, the Commission affirmed the policies embodied in this rule by continuing to require applications to be substantially complete when filed.[1] As the Commission noted, the procedures and rules it adopted will enable the Commission to establish satellite licensees' operating rights clearly and quickly, and as a result, allow licensees to provide service to the public much sooner than might be possible under our previous licensing procedures.[2] Finding defective applications acceptable for filing is not consistent with the rules and policies adopted by the Commission in the *First Space Station Reform Order* and only serves to create uncertainty and inefficiencies in the licensing process.

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[1] *First Space Station Reform Order*, 18 FCC Rcd at 10852 (para. 244), *citing* Space *Station Reform NPRM*, 17 FCC Rcd at 3875 (para. 84).

[2] *First Space Station Reform Order*, 18 FCC Rcd at 10765-66 (para. 4).

In its application, SkyTerra does not submit the predicted space station antenna gain contour(s) for each transmit and each receive antenna beam as required by Section 25.114(c)(7) of the Commission's rules, 47 C.F.R. §25.114(c)(7). SkyTerra has also filed inconsistent technical information on allocated bandwidth of emissions, maximum EIRP for each antenna beam, adjustable gain step capabilities as required by Section 25.114(c)(5) and areas to be served as required by Section 25.114(c)(8) of the Commission's rules, 47 C.F.R. §§ 25.114(c)(5) and (c)(8). In particular, the bandwidth of emissions in Section S11 of Schedule S should be 1840 kHz instead of 184,000 kHz for the emission designator 1M84GXW, and 5kHz instead of 500 kHz for the emission designators 5K00G9D and 5K00N0N. As for the maximum EIRP for each antenna beam, the effective output power for the transmitter beam, identified as CD in Section S7 of Schedule S, far exceeds the typical value expected. With respect to the adjustable gain step capabilities presented in Section S7 of Schedule S, the maximum attenuation value listed for the receive antennas is 10 dB, when it should be at least 12 dB. And, as for the areas to be served, the service area description in Section S6 of Schedule S is partially incomplete; the Continental United States is listed as the service area and a figure is referenced, but no figure is attached. We note that Schedule S contains many other typographical mistakes that need to be corrected if SkyTerra should decide to refile this application.

Accordingly, pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261(a)(4), we find that this application, File No. SAT-LOA-20040914-00175, is defective under Section 25.114(b) of the rules and must be returned pursuant to Section 25.112 (a). We therefore dismiss the application without prejudice to refiling. If SkyTerra refiles an application identical to the one dismissed, with the exception of supplying the missing information, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).

Sincerely,

Fern J. Jarmulnek

Fern J. Jarmulnek
Deputy Chief,
Satellite Division

cc: Mr. Robert A. Mazer
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