

January 28, 2009

**BY ELECTRONIC FILING**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: *DIRECTV Enterprises, LLC*  
*IBFS File Nos. SAT-AMD-20080114-00013 and -00014*

Dear Ms. Dortch:

This is to inform you that Stacy Fuller, Jack Wengryniuk, Michael Nilsson, and undersigned counsel representing DIRECTV Enterprises, LLC (“DIRECTV”) met yesterday with Robert Nelson, Cassandra Thomas, Fern Jarmulnek, Andrea Kelly, Kathryn Medley, Stephen Duall, Diane Garfield, and Chip Fleming of the Commission’s International Bureau to discuss the Bureau’s recent decision to dismiss DIRECTV’s 17/24 GHz BSS application at 103° W.L.<sup>1</sup> In that meeting, we explained why the dismissal of that application would not lead to a similar result with respect to DIRECTV’s pending 17/24 GHz BSS application at the nominal 99° W.L. orbital location. We also noted that the Bureau’s conclusion that DIRECTV’s application was defective because its demonstration of compliance with the applicable PFD limits under “clear sky” conditions impermissibly included consideration of atmospheric effects is inconsistent with prior Commission precedent. Specifically, the Commission defined the term “clear sky” in the course of the 17/24 GHz BSS rulemaking proceeding as follows:

The clear-sky value is taken to be *the condition when the intrinsic atmospheric attenuation due to gasses and water vapor are applicable*, without additional attenuation due to tropospheric precipitation, such as rain or snow. See Recommendation ITU-R PN.676-1.<sup>2</sup>

<sup>1</sup> See *DIRECTV Enterprises, LLC*, DA 09-87 (Int’l Bur., rel. Jan. 16, 2009).

<sup>2</sup> See *Establishment of Policies and Service Rules for the Broadcasting Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-*

**HARRIS, WILTSHIRE & GRANNIS LLP**

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This explains the structure of Section 25.208, which (as DIRECTV previously pointed out) clearly demonstrates that the Commission intended to distinguish between “clear sky” conditions (which include atmospheric effects) and “free space” conditions (which do not).<sup>3</sup>

Sincerely yours,



William M. Wiltshire  
*Counsel for DIRECTV Enterprises, LLC*

cc: Robert Nelson  
Cassandra Thomas  
Fern Jarmulnek  
Andrea Kelly  
Kathryn Medley  
Stephen Duall  
Diane Garfield  
Chip Fleming  
Howard W. Waltzman (*counsel for Spectrum Five, LLC*)

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*Satellite Service and for the Broadcasting Satellite Service Operating Bi-directionally in the 17.3-17.7 GHz Frequency Band*, 21 FCC Rcd. 7426, ¶ 49 n.126 (2006) (emphasis added).

<sup>3</sup> See Letter from William M. Wiltshire to Marlene H. Dortch, FCC File No. SAT-AMD-20080114-00014, att. at 2 and n.7 and 8 (Dec. 8, 2008).