

FILED/ACCEPTED
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Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
DIRECTV ENTERPRISES, LLC	)	Call Signs S2242 (File Nos. SAT-LOA-
	)	19970605-00049; SAT-AMD-20051118-
	)	00226; SAT-AMD-20080114-00015; & SAT-
	)	AMD-20080321-00078)
	)	and S2712 (File Nos. SAT-LOA-20060908-
	)	00100; SAT-AMD-20080114-00014; & SAT-
	)	AMD-20080321-00077)
)	
EchoStar Satellite Operating L.L.C.	)	Call Sign S2442 (File Nos. SAT-LOA-
	)	20020328-00052; SAT-AMD-20051118-
	)	00245; SAT-AMD-20080114-00020; & SAT-
	)	AMD-20080213-00043)
)	
Intelsat North America LLC	)	Call Sign S2662 (File Nos. SAT-LOA-
	)	20050210-00031; SAT-AMD-20051118-
	)	00238; SAT-AMD-20080114-00008; SAT-
and	)	AMD-20080617-00123; & SAT-AMD-
	)	20080701-00138)
)	
Pegasus Development DBS Corporation	)	Call Signs S2698 (File Nos. SAT-LOA-
	)	20060412-00042; SAT-AMD-20080114-
	)	00025; & SAT-AMD-20080118-00029)
Applications for Authority to Launch and	)	and S2699 (File Nos. SAT-LOA-20060412-
Operate 17/24 GHz Broadcasting-Satellite	)	00043; & SAT-AMD-20080114-00024)
Service Space Stations)	

COMMENTS OF CIEL SATELLITE LIMITED PARTNERSHIP

Ciel Satellite Limited Partnership (“Ciel”), pursuant to Section 25.154 of the Commission’s Rules, 47 C.F.R. § 25.154, hereby submits its comments on the above-captioned applications of DIRECTV ENTERPRISES, LLC (“DIRECTV”), EchoStar Satellite Operating L.L.C. (“EchoStar”), Intelsat North America LLC (“Intelsat”), and Pegasus Development DBS Corporation (“Pegasus”) for Commission licenses to launch and operate new space stations in the 17/24 GHz Broadcasting-Satellite Service (“BSS”) at or near the 91° W.L., 103° W.L., and

107° W.L. orbital locations. Ciel requests that the Commission impose coordination requirements as conditions to any grant of these applications.

Such requirements are necessary to protect Ciel's spectrum rights. Ciel has been awarded Approvals in Principle ("AIPs") by Industry Canada to develop the 17/24 GHz BSS spectrum at 91° W.L., 103° W.L., and 107.3° W.L. These locations all correspond with orbital locations on the U.S. grid, taking into account the one-degree offset already permitted by the Commission pursuant to its *Reconsideration Order* in the rulemaking proceeding relating to 17/24 GHz BSS.¹ Ciel's 17/24 GHz BSS satellites will be designed to provide coverage of both Canada and the United States, and Ciel intends to request U.S. market access for these locations from the FCC after the Commission's freeze on 17/24 GHz BSS applications has been lifted.

The Canadian Administration has submitted filings with the International Telecommunication Union ("ITU") regarding the 17/24 GHz BSS spectrum at the three 17/24 GHz orbital locations awarded to Ciel by Industry Canada. At 103° W.L., the Canadian filings have date priority for international coordination purposes. At 91° W.L. and 107.3° W.L., the Canadian ITU filings have equal priority with U.S. ITU filings, and both countries' filings will expire in April 2009 if they are not brought into use by then. Canada has another set of filings at these orbital locations that will have priority following April 2009 if the first set of Canadian and U.S. filings expires.

Any grant of Commission licenses at these orbital locations must respect the status and priority of the Canadian filings under ITU rules. Specifically, the Commission should

¹ *The 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-Satellite Service and for the Satellite Services Operating Bi-Directionally in the 17.3-17.8 GHz Frequency Band*, Order on Reconsideration, IB Dkt No. 06-123, 22 FCC Rcd 17951 (2007).

make clear that any licenses awarded are subject to the licensee's obligation to coordinate with satellite operators having ITU date priority that is equal or superior to that of the U.S. Such a requirement conforms to existing FCC practice, precedent and international obligations.

Furthermore, a coordination condition is consistent with satellite license terms imposed by the Commission for other broadcast spectrum in the past. For example, when the Commission authorized EchoStar to launch and operate a new space station in the 12/17 GHz BSS bands, the grant was subject to a coordination requirement.² In addition, although it stated that EchoStar could commence operations prior to completing coordination, the Commission required EchoStar to advise its customers that service might have to be discontinued or altered as a result of coordination agreements with other operators.³

Similar conditions are appropriate here to ensure that to the extent DIRECTV, EchoStar, Intelsat, and Pegasus receive 17/24 GHz BSS licenses at or near the orbital locations for which Ciel has been awarded AIPs by Industry Canada, any operations under these licenses must conform to ITU rules and Commission policies requiring coordination.


² *EchoStar Satellite L.L.C., Application to Construct, Launch and Operate a Direct Broadcast Satellite at the 86.5° W.L. Orbital Location*, Order and Authorization, DA 06-2440, 21 FCC Rcd 14045 (IB 2006) at ¶ 28.

³ *Id.* at ¶ 17.

Accordingly, Ciel requests that the Commission include in any grant of the above-referenced applications a requirement that the licensees coordinate with satellite operators having equal or superior ITU date priority.

Respectfully submitted,

CIEL SATELLITE LIMITED PARTNERSHIP

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August 1, 2008

CERTIFICATE OF SERVICE


I, Scott Gibson, hereby certify that on this 1st day of August, 2008, I caused to be served a true copy of the foregoing "Comments of Ciel Satellite Limited Partnership" by first class mail, postage prepaid, upon the following:

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