



February 19, 2014

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *IBFS File Nos. SAT-RPL-20121228-00227 and SAT-AMD-20131113-00132*

Dear Ms. Dortch:

DIRECTV Enterprises, LLC (“DIRECTV”) wishes to correct a misimpression left by recent *ex parte* filings by SES Americom, Inc. (“SES”) and NBCUniversal Media, LLC (“NBCU”). Those two parties claim that expedited Commission action in this proceeding is necessary to facilitate immediate preparations for the transition to a new satellite. Yet SES can begin preparing for this transition right now under its existing Luxembourg authorization – without prejudicing the broader public interest inquiry requested by DIRECTV. Because it is completely within SES’s own power to begin the preparation process, there is no need for the Commission to act hastily on its behalf.

In this proceeding, DIRECTV has demonstrated that SES initially bypassed the U.S. licensing process so that it could use the token 17/24 GHz BSS payload on the SES-3 satellite to undermine U.S. interests at two orbital locations before seeking the advantages of a U.S. license for its primary C-/Ku-band operations at 103° W.L. Were the Commission to grant SES’s application, it would not only reward SES for its strategic activities, but encourage others to replicate them – to the detriment of the U.S. public interest.

DIRECTV has also pointed out that taking the time to fully evaluate the public interest factors in this case does not introduce the potential for disruption of service, as SES has assured the Commission that the AMC-1 satellite that SES-3 would replace will be able to “continue providing reliable service” until its license term expires in October 2016.¹ In several recent *ex parte* presentations, SES and NBCU have attempted to create a sense of urgency for grant of the pending application by citing what they expect to be an unusually complicated and prolonged

¹ See IBFS File No. SAT-MOD-20110718-00130, Application at 2. Based on SES’s representation, the Commission recently extended the license term for AMC-1. See Grant Stamp, IBFS File No. SAT-MOD-20110718-00130 (Oct. 13, 2011).

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transition from the existing AMC-1 satellite to SES-3.² As discussed below, the argument is critically flawed and is no basis for expedited action.

In their presentations, SES and NBCU explain that AMC-1 has an atypical polarization orientation in the Ku-band, while SES-3 has a standard orientation. Accordingly, they argue, the transition from one satellite to the other requires site visits to thousands of earth station locations located across the country in order to prepare the receive antennas for this transition, and must be scheduled to avoid significant events. But, they assert, expedited Commission action is a critical prerequisite to this effort. As NBCU explains:

This work can only begin after SES-3 is authorized by the Commission, as NBCUniversal must be able to receive the appropriately polarized Ku-band beacon on SES-3 in order to program and test the necessary antenna adjustments. Only after all antennas have been properly programmed and tested for the polarization change can NBCUniversal begin to transfer its traffic from AMC-1 to SES-3.³

SES confirms that the Ku-band beacon is a gating item for initiating preparations for the transition process, and thus argues for expedited grant of its application.⁴

The pending application for SES-3 includes information on the telemetry/beacon signals for this satellite (which is the only mention of a beacon in the application). As described in SES's application, there are two Ku-band beacon signals, one vertically polarized and the other horizontally polarized. Both of these telemetry/beacon signals have a bandwidth of only 400 kHz and are located in the guard band outside of the frequencies where the communications payloads of AMC-1 and SES-3 operate.⁵ Nothing would prevent SES from self-coordinating the use of these slivers of spectrum by its Luxembourg-authorized satellite (SES-3) in a way that

² See, e.g., Letter from Karis A. Hastings to Marlene H. Dortch (Feb. 11, 2014) ("SES Feb. 11 Letter"); Letter from Margaret L. Tobey to Marlene H. Dortch (Feb. 11, 2014); Letter from Karis A. Hastings to Marlene H. Dortch (Jan. 28, 2014); Letter from Margaret L. Tobey to Mindel de la Torre (Jan. 16, 2014) ("NBCU Jan. 16 Letter"). All of these letters were filed in IBFS File Nos. SAT-RPL-20121228-00227 and SAT-AMD-20131113-00132.

³ NBCU Jan. 16 Letter at 2.

⁴ See SES Feb. 11 Letter, Attachment at 5 ("Because receipt of the SES-3 Ku-band beacon is needed to properly adjust the antennas, customers cannot begin the transition process until the Commission grants SES-3 operating authority.").

⁵ See IBFS File No. SAT-RPL-20121228-00227, Narrative Application, Attachment A at 8 (filed Dec. 28, 2012).

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would not affect its U.S.-authorized satellite (AMC-1), and operating these beacons under Luxemburg authority – if SES-3 has not already begun transmitting in these frequencies as part of its TT&C operations. Although a bit of additional paperwork might be required where two licensing administrations are technically involved, the engineering would be exactly the same even if both satellites were licensed by the Commission.

In other words, *it is completely within SES's own power to start transmitting the Ku-band beacon on SES-3 at any time*. Accordingly, Commission action in this proceeding is not a prerequisite to initiating the transition process SES and NBCU would like to undertake. The Commission should not allow this spurious argument to prompt a hasty decision in a case with such significant public interest implications.

Sincerely,

/s/

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