

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

DIRECTV Enterprises, Inc.

Application to Launch and Operate
a Direct Broadcast Satellite Service
Space Station

File No. SAT-LOA-20010518-00045

Received

NOV 30 2001

Satellite Policy Branch
International Bureau

Petition for Clarification or, in the Alternative, Reconsideration

Telesat Canada (“Telesat”), by its attorneys and pursuant to Section 1.106 of the Federal Communications Commission (“FCC” or “Commission”) rules,¹ requests that the International Bureau clarify or, in the alternative, reconsider the above-referenced order and authorization granting DIRECTV Enterprises, Inc. (“DIRECTV”) authority to launch and operate the DIRECTV 4S satellite, a direct broadcast satellite (“DBS”), in the 101° W.L. orbital location (the “*DIRECTV 4S Order*”).² Specifically, Telesat requests that the International Bureau confirm that it was not making a finding in paragraph 7 that “DIRECTV 4S will not cause unacceptable interference to any test point of any Canadian DBS system located within Canada” but rather noting a pre-condition that would have to be satisfied in international coordination negotiations of the

¹ 47 C.F.R. § 1.106.

² *DIRECTV Enterprises, Inc., Application to Launch and Operate a Direct Broadcast Satellite Service Space Station, Order and Authorization, File No. SAT-LOA-20010518-00045, DA 01-2402 (Oct. 26, 2001) (“DIRECTV 4S Order”).*

DIRECTV 4S satellite between the administrations of the United States and Canada.³ The *DIRECTV 4S Order* otherwise strongly endorses that reading because it unambiguously requires DIRECTV to operate the DIRECTV 4S satellite in a manner that would “not cause greater interference than that which would occur from the current USA Plan assignments.”⁴

Telesat is the operator of a DBS satellite, licensed by the Administration of Canada, operating at the 91° W.L. orbital position, and files this petition because it would be adversely affected if the International Bureau’s order mistakenly is interpreted to conclude that coordination with Canadian DBS test points is complete or unnecessary. Telesat did not participate in the earlier stages of this proceeding because it agreed with DIRECTV that coordination between the United States and Canada was required, had commenced and was anticipated to be successful.⁵ However, such coordination has not yet reached a successful conclusion.

International coordination of the DIRECTV 4S satellite with Telesat is, indisputably, required as both DIRECTV and the FCC acknowledge. In its application, DIRECTV notified the Commission that

interference analyses performed in accordance with ITU Radio Regulations Appendices S30 and S30A *determined that coordination with Canada and Mexico is required* per Section 2 of Annex 1 of Appendix S30. Technical coordination with Canada is already underway and a successful result is expected.⁶

In the *DIRECTV 4S Order*, the International Bureau agreed that consideration of DIRECTV’s application must “evaluate its interference potential to other DBS permittees and to the

³ *DIRECTV 4S Order*, para. 7.

⁴ *DIRECTV 4S Order*, para. 8.

⁵ See 47 C.F.R. §1.106; see also *Application for Authority to Launch and Operate DIRECTV 4S (USABBS-13)* at 4, section III (May 18, 2001) (“*DIRECTV 4S Application*”) (emphasis added).

⁶ *DIRECTV 4S Application*, at 4, section III (emphasis added).

radiocommunications systems of other countries.”⁷ More precisely, the International Bureau determined that the “technical parameters of DIRECTV 4S vary from those set forth for U.S. assignments in the Region 2 broadcasting satellite service (BSS) plans and its associated Feeder Link Plan.”⁸ Accordingly, the International Bureau properly reminded DIRECTV that its operation of DIRECTV 4S “shall not cause greater interference...to other BSS or feederlink assignments” until the ITU modified the Region 2 BSS Plan and its associated Feeder Link Plan, to include parameters of the DIRECTV 4S satellite.⁹ In sum, the International Bureau correctly preserved the interference *status quo* of Region 2 BSS systems after the launch of DIRECTV 4S until such time as the United States completes international coordination with all affected administrations, including Canada.

Telesat is, thus, puzzled by the single sentence in the *DIRECTV 4S Order*, which states that “DIRECTV 4S will not cause unacceptable interference to any test point of any Canadian DBS system located within Canada.”¹⁰ This determination can be made only as a result of the international coordination process. Thus, the International Bureau’s statement should not be read incorrectly to undermine the International Bureau’s expressed adherence to the ITU coordination process and DIRECTV’s own recognition of the need to coordinate with Canada. To the contrary, DIRECTV’s application indicates that such interference might be harmful:

A detailed interference analysis was performed using MSPACEg version 1.96 and the uplink and downlink shaped and spot beams of USABSS-13. Results show that *the administrations of Canada and*

⁷ *DIRECTV 4S Order*, para. 6.

⁸ *DIRECTV 4S Order*, para. 6.

⁹ *DIRECTV 4S Order*, para. 8 and para. 16.

¹⁰ *DIRECTV 4S Order*, para. 7.

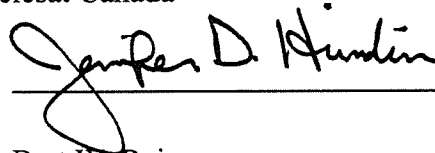
*Mexico are affected on downlink test points. Coordination with these administrations will be performed.*¹¹

In sum, Telesat respectfully requests that the Commission clarify that the coordination process will determine whether the DIRECTV 4S satellite will not cause unacceptable interference to points in Canada and reiterate that, pending the conclusion of coordination and modification of the ITU's Region 2 BSS Plan, operation of DIRECTV 4S shall not cause any greater interference to Canadian operations than that which is currently caused by DIRECTV's operations at 101° W.L. In the unlikely event the International Bureau did conclude prematurely that such international coordination was completed or not required, Telesat respectfully requests that the International Bureau reconsider this potential violation of the ITU coordination principles for Planned BSS in Region 2.

Respectfully submitted,

Telesat Canada

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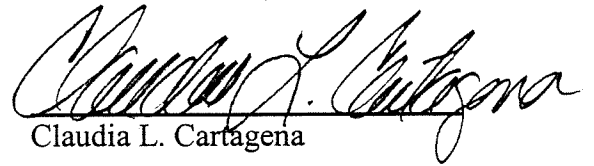
¹¹ *DIRECTV 4S Application*, at Attachment 1, Section 2, pages 5-6 (*emphasis added*).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Petition for Reconsideration or, in the Alternative, Clarification** was delivered via first-class mail, on this 19th day of November, 2001 to each of the following:

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