

COPY

Before the  
Federal Communications Commission  
Washington, DC 20554

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FEB - 8 2002

In the Matter of  
  
DIRECTV Enterprises, Inc.  
Application to Launch and Operate  
a Direct Broadcast Satellite Service  
Space Station

Received

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

FEB 12 2002

File No. SAT-LOA-20010518-00045

Satellite Policy Branch  
International Bureau

**TELESAT CANADA REQUEST FOR DISMISSAL OF THE *EX PARTE* RESPONSE OF DIRECTV ENTERPRISES, INC. OR APPROVAL TO FILE REPLY**

Telesat Canada ("Telesat"), by its attorneys, requests that the Federal Communications Commission ("FCC" or "Commission") dismiss the *ex parte*<sup>1</sup> response of DIRECTV Enterprises, Inc. ("DIRECTV") filed on January 28, 2002 or, alternatively, accept the attached reply.

The Commission should dismiss DIRECTV's *ex parte* response because it was filed after the end of the customary pleading cycle established by Section 1.106 of the FCC's rules for reconsideration of licensing decisions and without a request for approval.<sup>2</sup> This is the second time that DIRECTV has filed a pleading in this proceeding in violation of the rules.<sup>3</sup> Such disregard for the agency's pleading rules threatens the public interest in having the Commission bring this

<sup>1</sup> This proceeding is "*ex parte* restricted" under the Commission rules. 47 C.F.R. §1.1208. Telesat notes, however, that DIRECTV served its response on Telesat and thus the reply was not "*ex parte*." 47 C.F.R. §1.1202(b) (an "*ex parte* presentation" is any written presentation that is not served on the parties to the proceeding).

<sup>2</sup> 47 C.F.R. §1.106 (authorizing an interested party to file an opposition to a petition for reconsideration, the petitioner to file a reply and no further pleadings).

<sup>3</sup> As noted in Telesat's December 18, 2001 *Reply*, DIRECTV previously filed its *Response* to Telesat's *Petition for Clarification or, in the Alternative, Reconsideration* more than one week late and without a motion for extension of time. 47 C.F.R. §1.46.

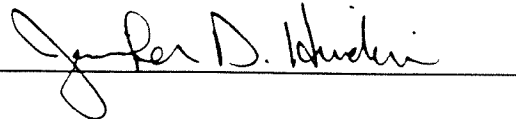
proceeding to a conclusion and the Commission's interest in keeping the filing of pleadings to established boundaries.

Alternatively, Telesat respectfully requests Commission approval to file the attached reply.<sup>4</sup> Commission consideration of this reply will clarify the record consistent with the FCC's rules, which contemplate an opportunity for Telesat to reply to any opposition of DIRECTV to Telesat's petition for reconsideration.<sup>5</sup>

Respectfully submitted,

Telesat Canada

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February 8, 2002

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<sup>4</sup> 47 C.F.R. §1.45(c).

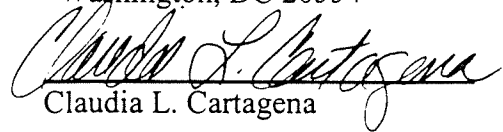
<sup>5</sup> 47 C.F.R. §1.106.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Request** was delivered via first-class mail, on this 8th day of February, 2002 to each of the following:

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