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Before the

Policy Branch

FEDERAL COMMUNICATIONS COMMISSION

MAY 16 2005

Washington, D.C. 20554

Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
 EchoStar Satellite L.L.C. )  
 )  
 Application to Construct, Launch & )  
 Operate a DBS Satellite ("DBS") )  
 At the 86.5° W.L. Orbital Location )

File No. SAT-LOA-20030609-00113

OPPOSITION OF BELL EXPRESSVU LIMITED PARTNERSHIP

1. Bell ExpressVu L.P. ("ExpressVu" or "the Company") wishes to provide the Federal Communications Commission ("FCC") with the following comments on the above referenced application by EchoStar Satellite L.L.C. ("EchoStar") for authority to construct, launch and operate a Direct Broadcast Satellite ("DBS") in the 12.2-12.7 GHz and 17.3 -17.8 GHz frequency bands at the 86.5° W.L. orbital location.

2. ExpressVu has a specific direct interest in this matter, stemming from its status as a licensed Canadian satellite-based direct-to-home ("DTH") DBS provider. This licence is issued by Canada's domestic broadcast regulator, the Canadian Radio-Television and Telecommunications Commission ("CRTC").

3. ExpressVu owns all the transponders of the BSS satellites Nimiq 1 and Nimiq 2 operating at 91° WL and 82° WL. These satellites are, in turn, owned and operated by Telesat Canada ("Telesat") and licensed by the Canadian federal government (Industry Canada). The agreements between ExpressVu and Telesat respecting these arrangements are also approved by the CRTC.

4. The Nimiq satellites at 91° WL and 82° WL have been designed, deployed and operated pursuant to the International Telecommunications Unions' ("ITU") Region 2 Plan. ExpressVu's entire satellite-based telecommunications network has been built on the basis of

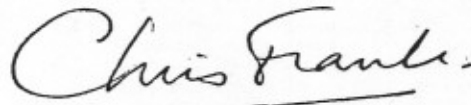
this plan. The network also includes the receive equipment for the company's 1.6 million residential subscribers.

5. ExpressVu fully supports the submission of Telesat. In particular, ExpressVu wishes to underscore Telesat's submission that the proposed DBS Operation at 86.5° WL would be disruptive to its existing DBS operations at 82° and 91° WL. Furthermore, the financial consequences of a change from 9 degree satellite spacing to 4.5 degree spacing would undermine billions of dollars of satellite-based infrastructure investment by ExpressVu and its customers. Accordingly, such action would be manifestly unfair to the satellite facilities and service providers who have relied on the ITU Region 2 Plan.

6. ExpressVu further supports Telesat's comments that, to ensure adequate protection for the existing Canadian DBS operations at 82° and 91° WL, very substantial reductions of power levels on the proposed EchoStar satellite would appear to be the only way that the MSPACE triggers could be removed. It is our understanding that such power reductions would render the use of these frequencies at 86.5° WL totally impractical.

7. In light of the foregoing, ExpressVu is of the view that the Commission should not grant the EchoStar application for use of the 86.5° WL position.

Respectfully submitted,  
Bell ExpressVu



Chris Frank  
Sr. Director, Regulatory & Government Affairs  
Floor 6 - 110 O'Connor St.  
Ottawa, Ontario  
Canada, K1P 1H1

May 16, 2005

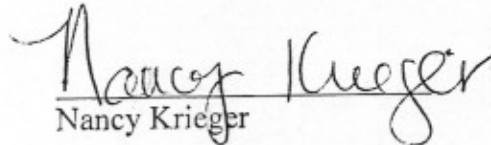
**CERTIFICATE OF SERVICE**

I, Nancy Krieger, do hereby certify that a copy of the foregoing **Opposition of Bell ExpressVu L.P.** was served by first-class mail, postage prepaid on this 16<sup>th</sup> day of May 2005 to the following:

Pantelis Michalopoulos  
Philip L. Malet  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036-1795

David K. Moskowitz  
Senior Vice President and General Counsel  
EchoStar Satellite Corporation  
5701 South Santa Fe  
Littleton, CO 80120

David R. Goodfriend  
Director, Legal and Business Affairs  
EchoStar Satellite Corporation  
1233 20<sup>th</sup> Street, NW  
Suite 701  
Washington, DC 20036

  
Nancy Krieger