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

AUG - 7 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
DIRECTV Enterprises, LLC)
)
For Authority to Launch and Operate)
DIRECTV 7S (USABSS-18))
)

SAT-LOA-20030611-00115

Received
AUG 18 2003
Policy Branch
International Bureau

Int'l Bureau

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Front Office

To: ~~The Commission~~
Satellite Division

COMMENTS OF SES AMERICOM, INC.

SES AMERICOM, Inc. ("SES AMERICOM"), by its attorneys and pursuant to Section 25.154 of the Rules of the Federal Communications Commission (the "Commission"),¹ hereby submits these comments in response to the application of DIRECTV Enterprises, LLC ("DIRECTV") for authority to launch and operate a direct broadcast satellite service ("DBS") satellite referred to as "DIRECTV 7S" at the 119° W.L. orbital location.² As the Commission is aware, SES AMERICOM has filed a Petition with the Commission to provide DBS capacity from a Gibraltar-licensed satellite

¹ 47 C.F.R. § 25.154.

² See DIRECTV Enterprises, LLC, Application for Authority to Launch and Operate DIRECTV 7S (USABSS-18), SAT-LOA-20030611-00115, June 11, 2003 (the "DIRECTV 7S Application"); Public Notice, Report No. SAT-00156 (July 8, 2003). The DIRECTV 7S Application indicates that the satellite will carry a backup payload for the DIRECTV 4S satellite at 101° W.L., but does not request authority to operate at that location at this time. DIRECTV 7S Application at 9. The instant comments therefore consider operation of DIRECTV 7S only at 119° W.L.

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at 105.5° W.L.³ SES AMERICOM does not oppose the DIRECTV 7S Application, but seeks clarification on aspects of DIRECTV's technical showing for the proposed satellite.

The Commission's technical rules for DBS space stations include a requirement, contained in Section 25.111(c) of the Commission's Rules, that an analysis be performed with respect to the sharing criteria in Annex 1 of Appendices 30 and 30A of the ITU Radio Regulations, in order to determine if the services of other Administrations, or other U.S. systems, are affected by the proposed system.⁴ One component of this analysis assesses the potential impact of a new space station on BSS Plan assignments and pending modifications to the Plans. If the results of the analysis indicate that a space station having ITU priority over the new space station is affected by the new space station, coordination is required.

The DIRECTV 7S Application states that analysis with respect to the sharing criteria in Appendices 30 and 30A of the ITU Radio Regulations has been performed.⁵ However, the Application provides no details of that analysis. With respect to the Appendix 30 analysis (for service links), the Application states only that "the

³ SES AMERICOM, Inc., Petition for Declaratory Ruling To Serve the U.S. Market Using BSS Spectrum from the 105.5° W.L. Orbital Location, SAT-PDR-20020425-00071, April 25, 2002.

⁴ 47 C.F.R. § 25.111(c). Appendices 30 and 30A of the ITU Radio Regulations contain the Region 2 "BSS Plan" and associated "Feeder Link Plan" (collectively, the "Plans") that assign orbital slots and frequencies for broadcasting-satellite service ("BSS") satellites. BSS is the terminology used by the ITU and internationally to describe what is referred to in the United States as "direct broadcast satellite" or "DBS" service. Appendices 30 and 30A include procedures for modifying the Plans to accommodate systems, such as DIRECTV 7S, whose technical parameters differ from the planned assignments.

⁵ DIRECTV 7S Application at 4.

administration of Canada is affected.”⁶ With respect to the Appendix 30A analysis (for feeder links), the Application states only that “the administrations of Canada and Mexico are affected.”⁷

The DIRECTV 7S Application provides no indication which assignments or pending modifications of these Administrations are affected, or the degree to which the sharing criteria is exceeded. More importantly, the Application does not specify which assignments and pending modifications were included in the analysis.

As the Commission has acknowledged, Appendices 30 and 30A require Administrations to coordinate with any other Administration having an affected Region 2 Plan assignment or prior-filed Plan modification, in order to gain entry into the Region 2 BSS Plans.⁸ To determine the coordination requirements for DIRECTV 7S (USABSS-18 for ITU purposes), the interference analysis for USABSS-18 must assess the impact of that satellite on all prior pending modifications.⁹ From the information contained in the DIRECTV 7S Application, it is not clear whether all pending modifications have been considered. For example, it is not clear whether the analysis included a proposed modification filed by the United Kingdom for the USAT-S2 satellite at 114.5° W.L.

⁶ DIRECTV 7S Application, Technical Annex at 27.

⁷ Id. at 34.

⁸ EchoStar Satellite Corporation, Order and Authorization, DA 02-1455 (June 20, 2002) (the “EchoStar VIII License”), ¶ 7.

⁹ The Radiocommunication Bureau of the ITU (the “BR”) is experiencing a significant backlog in publishing proposed modifications to the Plans, and, until recently, data on pending modifications having a higher priority than a new proposed modification was often unavailable. However, the BR now makes publicly available information on the proposed modifications to the Plan that have not yet been processed and officially published by the BR. Therefore, it is now generally possible to perform analysis that includes all pending modifications having priority over a proposed new ITU filing.

For the above reasons, the Commission should require DIRECTV to provide an Appendix 30/30A analysis that specifies the impact on all assignments and pending modifications having higher priority than DIRECTV 7S (USABSS-18). The Commission should also clarify in any license for DIRECTV 7S that coordination will be required with all Administrations having affected assignments or higher-priority pending modifications. Such action is necessary to ensure that the DIRECTV 7S satellite complies with both ITU and Commission Rules.

Respectfully submitted,

SES AMERICOM, INC.

By



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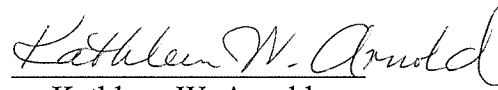
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August 7, 2003

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2003, a copy of the foregoing Comments of SES AMERICOM, Inc., was served via first class United States mail, postage prepaid, on the following:

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