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January 8, 2010

BY MESSENGER

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Notice of Ex Parte Presentation**

DIRECTV Enterprises, LLC

File No. SAT-STA-20091202-00136 (Call Sign S2796)
File No. SAT-LOA-20090807-00085 (Call Sign S2796)
File Nos. SAT-AMD-20080321-00077; SAT-AMD-20080114-00014; SAT-LOA-2006-0908-00100 (Call Sign 2712)

DISH Operating L.L.C.

File Nos. SAT-LOA-20090518-00053; SAT-AMD-20090604-00064 (Call Sign S2790)

Spectrum Five LLC

File No. SAT-LOI-20081113-00216 (Call Sign S2777)
File No. SAT-LOI-20081119-00217 (Call Sign S2778)

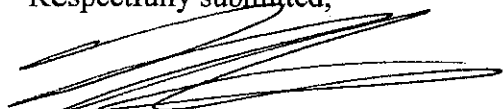
Dear Ms. Dortch:

On January 7, 2010, David Wilson and Tom Sharon of Spectrum Five LLC ("Spectrum Five"), Chris Putala of Putala Strategies, and the undersigned counsel met with Mindel De La Torre, Roderick Porter, Karl Kensinger, Andrea Kelly, Robert Nelson, Steven Spaeth, and Tom Sullivan of the International Bureau ("the Bureau") and discussed the above-referenced applications of DIRECTV Enterprises, LLC ("DIRECTV"), DISH Operating L.L.C. ("DISH"), and Spectrum Five. The content of Spectrum Five's presentation, to the extent it specifically emphasized, supplemented or elaborated upon arguments already raised in written filings in these proceedings, is set forth in the attached materials, of which two copies are hereby submitted for each referenced file number.

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Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this notice is being filed in the above-noted proceedings.

Respectfully submitted,



Howard W. Waltzman
Counsel to Spectrum Five LLC

cc: Mindel De La Torre
Roderick Porter
Karl Kensinger
Andrea Kelly
Robert Nelson
Steven Spaeth
Tom Sullivan
Pantelis Michalopoulos (*counsel to DISH*)
William M. Wiltshire (*counsel to DIRECTV*)

DISH's application to launch and operate the EchoStar 14 satellite¹ should be conditioned to require DISH to operate the satellite in accordance with the technical parameters of the Region 2 Broadcasting-Satellite Service ("BSS") Plan unless and until coordination has been completed. The Bureau's failure to impose such a condition would thwart the coordination process by permitting DISH to operate EchoStar 14 beyond the technical parameters permitted by the Region 2 BSS Plan in the absence of coordination. DISH has still not responded to Spectrum Five's February 9, 2007 request for coordination of Spectrum Five's satellite network at the 114.5° W.L. orbital location, a copy of which is attached hereto as Exhibit A, and has asserted that DISH does not need to coordinate with Spectrum Five because the latter's network will not be put into use prior to the expiration of its International Telecommunication Union ("ITU") priority rights.²

The Netherlands Radio Communications Agency ("RCA") has formally requested that the EchoStar 14 satellite be coordinated with the 114.5° W.L. satellite network. A copy the RCA's letter to the International Bureau is attached hereto as Exhibit B. The RCA has expressed its concern that DISH has sought authorization to operate EchoStar 14 prior to coordination, and that coordination consistent with the ITU rules should begin before the Commission grants DISH permission to operate EchoStar 14.

With respect to DIRECTV's application to construct, launch, and operate a 17/24 GHz BSS space station at the 102.825° W.L. orbital location, as previously argued by Spectrum Five, the Commission's maximum PFD limits required DIRECTV to calculate the *minimum* possible atmospheric loss, so as to guarantee that, even when losses are slight, the signal at the earth's surface will not be too strong. Instead, DIRECTV used link budget values at the point of signal failure, which calculate *maximum* possible atmospheric loss, so as to guarantee that, even in the face of high losses, the signal will remain available. The result is that DIRECTV's satellite signal will exceed the PFD limits in all but the most extreme weather conditions. Adoption of DIRECTV's scheme would in effect eviscerate the power limits established by the Commission rules and enable any Reverse Band applicant to essentially unilaterally set its own power limits.

Despite DIRECTV's protestations to the contrary, the Commission's rule on this subject is clear: applicants must demonstrate compliance with the PFD limits "for all conditions, including clear sky" and adhere to quantifiable PFD limits.³ It is indisputable what "all conditions, including clear sky" means: if any atmospheric conditions would leave DIRECTV's signal too strong, its proposed space station would violate the rule. By using link budget values to purportedly demonstrate compliance with Section 25.208(w)—as well as by including an adjustment for clouds—DIRECTV guaranteed that its proposed space station would routinely and substantially exceed the maximum PFD limits.

¹ *EchoStar Satellite Operating L.L.C. Application for Minor Modification of DBS Authorization and Authority to Launch the EchoStar 14 Satellite and to Operate it at 118.9° W.L.*, File Nos. SAT-LOA-20090518-00053, SAT-AMD-20090604-00064 (Call Sign S2790) ("EchoStar 14 Application").

² EchoStar 14 Application, Appendix 1 to Attachment A, at A1-2.

³ 47 C.F.R. § 25.208(w).

With respect to DIRECTV's request for special temporary authority ("STA") for in-orbit testing ("IOT") of DIRECTV RB-2A at the 76° W.L. orbital location,⁴ Spectrum Five has no objection to DIRECTV conducting IOT of DIRECTV 12's Ka-band payload at the 76° W.L. orbital location. However, Spectrum Five contends that it is premature to grant DIRECTV permission to conduct IOT of its 17/24 GHz communications payload during the pendency of Spectrum Five's Petition for Reconsideration of the Bureau's grant to DIRECTV of authorization to construct, launch, and operate the RB-2 satellite at the 103° orbital location.⁵ In addition, the Bureau has not granted DIRECTV authorization to operate the RB-2A satellite, for which DIRECTV now seeks STA to conduct IOT.

Spectrum Five also disputes DIRECTV's contention that IOT for the 17/24 GHz payload cannot occur at the 103° W.L. orbital location. DIRECTV appears to have made a business decision to test the 17/24 GHz payload using DIRECTV's Northwest Uplink Facility located in Moxee, Washington. However, DIRECTV could test the 17/24 GHz payload by utilizing other testing scenarios. For example, since there is a very limited number of spot beams, the spot beam coverage areas could be instrumented with test antennas and receivers to show that the radiated signals are received as expected.

Testing DIRECTV RB-2A in this manner would have no adverse impact on DIRECTV 12's Ka-band payload, or its ability to use such payload to enhance its offering to subscribers. As a result, the Bureau should withhold action on STA for IOT of RB-2A until the resolution of Spectrum Five's Petition for Reconsideration, and until the Bureau grants DIRECTV authorization to operate RB-2A.

⁴ *DIRECTV Enterprises, LLC Request for Special Temporary Authority for In-Orbit Testing of DIRECTV RB-2A at 76° W.L.*, File No. SAT-STA-20091202-00136 (Call Sign S2796).

⁵ *Petition for Reconsideration of Spectrum Five LLC, In re DIRECTV Enterprises, LLC, Application for Authorization to Launch and Operate DIRECTV RB-2, a Satellite in the 17/24 GHz Broadcasting Satellite Service at the 102.85° W.L. Orbital location*, File Nos. SAT-LOA-20060908-00100, SAT-AMD-20080114-00014, SAT-AMD-20080321-00077 (Call Sign S2712) (Aug. 27, 2009).

Exhibit A

Letter of Spectrum Five to DISH, dated February 9, 2007

*Spectrum Five LLC
2001 K Street
Washington D.C. 20006
202-332-1245*

February 9, 2007

Richard Blair
EchoStar Communications Corp.
9601 S. Meridian Blvd
Englewood, CO 80112

Dear Mr. Blair,

I have been retained by Spectrum Five LLC to initiate coordination negotiations relating to Spectrum Five's satellite to be located at 114.5W and BSS satellites at 110W and 119W. It is our intention to review your satellite networks and to present a proposed technical plan for a coordination settlement.

The first Spectrum Five satellite is expected to be launched during 2010. Therefore, we request that you identify the satellites and transponders that you intend to operate at the nominal locations of 110W and 119W in 2010 and beyond.

We would appreciate any additional information concerning these networks that you would care to provide to us.

You may reach me at the letterhead address or 610-644 0444 (Philadelphia) or jondonkies@aol.com

Sincerely

John D. Kiesling
Consultant to Spectrum Five

CC R. David Wilson
Richard Barnett

Exhibit B

**Letter of Netherlands Radio Communications Agency to the International Bureau, dated
December 10, 2009**

To
Robert G. Nelson
Chief, Satellite Division
International Bureau
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Washington, DC 20002

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PO box 450
9700 AL Groningen
The Netherlands
T +31 50 587 75 55
F +31 50 587 74 00
www.agentschap-telecom.nl
agentschaptelecom@at-ez.nl

Contact : J.G. Kroon
Telephone : +31 50 5877 344
Our reference : AT-EZ/6349420/S-NE
Enclosure(s) : -
Subject : Spectrum Five LLC, 119° West Orbital Location

Date : 10 December 2009
Your reference :
Number of pages : 1 of 2

Dear Mr. Nelson,

With this letter the Netherlands administration formally requests coordination of its satellite network filings at 114.5° West filed at the ITU, with the proposed Echostar/DISH networks filing at the orbital position of 119° West.

The Netherlands Radio Communications Agency, on behalf of the Netherlands administration, submitted the filings **SF_BSS5** and **BSSNET114.5W** to the International Telecommunications Union proposing modifications to the Region 2 Broadcast-Satellite Service Plan ("Region 2 Plan") to accommodate a Direct Broadcast Satellite ("DBS") system at 114.5° West. The Netherlands has authorized Spectrum Five LLC ("Spectrum Five") to utilize these filings to provide DBS from this orbital position.

We noted from the FCC process that a filing has been made at the ITU for the Echostar-14 satellite network at 119° West. As far as known to my administration, the ITU has not finished its review and the filing has yet to be accepted for filing. As a result, the Netherlands has not received ITU notification that the USA needs to coordinate with the Netherlands.

It is our understanding that DISH has already built the satellite and intends to launch in the first quarter of 2010 and replace the existing ECHOSTAR-7 satellite with this more powerful ECHOSTAR-14 satellite. If our understanding is correct DISH will launch prior to the Netherlands administration having the opportunity to protect its filings through the ITU coordination process. Therefore the Netherlands is requesting coordination *in advance of ITU notification*.

We kindly remind you that under the Appendix 30 rules, it is not allowed to modify an existing assignment or launch a new satellite without the consent of affected administrations. In this respect our operator informed us that DISH has requested the USA administration to use the satellite on an interim basis until the Netherlands will launch its satellite to 114.5° West. We believe this is not the right solution and we therefore strongly request the FCC to start coordination with us first before bringing the satellite into use, even on an interim basis, such in line with the ITU rules.

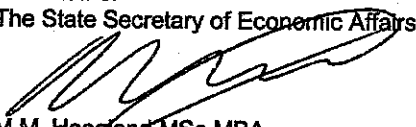
Number of pages : 2 van 2
Date : 10 December 2009
Our reference : AT-EZ/6349420/S-NE

I would be very grateful if you could send me your reaction to this letter at your earliest convenience. Thank you very much in advance for your corporation.

If you have any questions, please contact Mr. J.G. Kroon of the Radiocommunications Agency of The Netherlands, Tel +31 50 5877 344, Fax +31 50 5877 400 and email: johan.kroon@at-ez.nl

Yours sincerely,

on behalf of
The State Secretary of Economic Affairs


M.M. Hoogland MSc.MBA
Head of the Networks Department
Radiocommunications Agency Netherlands