



Federal Communications Commission
Washington, DC 20554

International Bureau

September 16, 2015

David Wilson
Chairman and CEO
Spectrum Five LLC
1776 K Street, NW, Suite 200
Washington, DC 20006

Re: 95 License Subsidiary, LLC
IBFS File Nos. SAT-LOA-20090807-00084,
SAT-AMD-20100528-00114,
SAT-AMD-20100729-00170, and
SAT-AMD-20110503-00084
Call Sign S2795

Dear Mr. Wilson:

This letter requests additional information in support of the milestone showings with respect to the above-referenced space station authorization for 95 License Subsidiary, LLC (95 License Sub). As described more fully below, please file all prior amendments to the contract, any revised exhibits, and a list of payments made to Space Systems/Loral (SS/L) under the contract through August 30, 2014. In addition, an initial review of 95 License Sub's prior milestone filings with the Commission indicates that there may be reasonably segregable information provided in those submissions that should be made part of the public record.

By way of background, on August 30, 2011, the Satellite Division granted 95 License Sub authority to construct, launch, and operate a 17/24 GHz Broadcasting-Satellite Service space station at the 95.15° W.L. orbital location. The Division later authorized the transfer of control of the license from Pegasus Development DBS Corporation to Spectrum Five LLC.¹ On August 30, 2012 and May 10, 2013, 95 License Sub filed documentation in support of the Contract milestone.² On August 30, 2013, 95 License Sub filed documentation in support of the Critical Design Review milestone.³

¹ See Spectrum Five LLC, Application for Consent to Transfer Control of 17/24 GHz Space Station Authorization for 95° W.L. to Spectrum Five LLC, IBFS File No. SAT-T/C-20111013-00201 (granted Jan. 5, 2012); Letter from Jennifer Hindin, Wiley Rein LLP, Counsel for 95 License Subsidiary LLC to Marlene H. Dortch, Secretary, FCC (January 19, 2012) (notification of consummation of transfer of control on Jan. 13, 2012).

² See Letter from Todd M. Stansbury, Wiley Rein, Counsel for 95 License Subsidiary, LLC to Marlene H. Dortch, Secretary, FCC (Aug. 30, 2012) (transmittal letter and request for confidential treatment of non-redacted version of contract filing). Shortly thereafter, we requested that 95 License Sub submit the exhibits referenced in the contract, and counsel for 95 License Sub submitted those exhibits with a request for confidential treatment. See Letter from Fern J. Jarmulnek, Acting Chief, Satellite Division, FCC to Todd M. Stansbury, Wiley Rein LLP, Counsel for 95 License Subsidiary (April 17, 2013); Letter from Todd M. Stansbury, Wiley Rein, Counsel for 95 License Subsidiary, LLC to Marlene H. Dortch, Secretary, FCC (May 10, 2013).

³ Letter from David Wilson, Chairman and CEO, Spectrum Five, LLC to Marlene H. Dortch, Secretary, FCC (August 30, 2013).

On September 2, 2014, 95 License Sub filed a Commencement of Construction Milestone Compliance Demonstration and Request for Bond Reduction.⁴ The demonstration included, among other things, a signed statement of Michael Santoro, Chief Financial Officer and Senior Vice President of Finance at SS/L, stating that all payments due under the contract between SS/L and Spectrum Five LLC have been received by SS/L and that the contract is in full force and effect. The filing also included a copy of Amendment Number 2 to the contract between Spectrum Five LLC and SS/L. The demonstration did not include any prior amendments to the contract or any revised exhibits. Please provide this information to the Commission. In addition, to assist the Commission in evaluating your milestone demonstrations, please provide a list of payments, including amounts, which have been made on the contract through the Commencement of Construction milestone date of August 30, 2014.

We also observe that in 95 License Sub's prior filings, 95 License Sub redacted all but the title page of each contract, exhibits, and other documents. At this time we are not ruling on 95 License Sub's requests for confidentiality, and the documentation submitted will continue to be accorded confidential treatment.⁵ However, our preliminary review indicates that there may be additional information in these prior filings that could be made part of the public record. Therefore, we ask that you examine these documents and refile the prior milestone submissions for the public record to include any reasonably segregable information that does not warrant confidential treatment.⁶ With respect to information for which you continue to seek confidential treatment, we ask that you provide the Commission with a more detailed, *e.g.*, section-by-section, paragraph-by-paragraph, line-by-line, as appropriate, justification supporting confidential treatment of each portion of the redactions, consistent with Section 0.459(b) of the Commission's rules, 47 § C.F.R. 0.459(b).⁷

⁴ See Letter from David Wilson, Chairman and CEO, Spectrum Five LLC to Marlene H. Dortch, Secretary, FCC (September 2, 2014).

⁵ See 47 C.F.R. § 0.459(d)(3).

⁶ See Freedom of Information Act, 5 U.S.C. § 552.

⁷ 47 C.F.R. § 0.459(b). See also *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816 (1998), Order on Reconsideration, 14 FCC Rcd 20128 (1999); *In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 10760, 10832, para. 187 (2003); *In the Matter of Freedom of Information Act Request for Satellite Construction Contract Filed by Pegasus Development Corporation*, Order, 20 FCC Rcd 14670 (IB, rel. Sept. 13, 2005).

Please file the documentation with the Secretary of the Commission no later than October 19, 2015. Failure to respond by this date may result in an adverse milestone determination.

Sincerely,



Jose P. Albuquerque
Chief, Satellite Division
International Bureau

cc: Jennifer A. Manner
Vice President of Regulatory Affairs
EchoStar Satellite Operating Corporation