

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

In the Matter of	)	
	)	
DIRECTV ENTERPRISES, LLC	)	Call Sign S2796 (File No. SAT-LOA-
	)	20090807-00085)
Application for Authority to Launch and	)	
Operate a 17/24 GHz Broadcasting-	)	
Satellite Service Space Station	)	

**CIEL SATELLITE LIMITED PARTNERSHIP  
NOTICE OF INTENT TO PARTICIPATE AND  
MOTION TO DESIGNATE PROCEEDING AS PERMIT-BUT-DISCLOSE**

Ciel Satellite Limited Partnership (“Ciel”), pursuant to Sections 1.1200 *et seq.* of the Commission’s Rules, 47 C.F.R. §§ 1.1200 *et seq.*, hereby notifies the Commission of its intent to participate with respect to the above-captioned application of DIRECTV ENTERPRISES, LLC (“DIRECTV”) and moves that the Commission designate the application proceeding as permit-but-disclose for purposes of the *ex parte* rules.

DIRECTV is requesting a license to launch and operate a new space station, DIRECTV RB-2A, in the 17/24 GHz Broadcasting-Satellite Service (“BSS”) at the 102.765° W.L. orbital location (the “RB-2A Application”). Ciel is a Canadian satellite service provider, and Industry Canada has issued an Approval in Principle (“AIP”) that gives Ciel rights to develop the 17/24 GHz BSS spectrum at 103° W.L. The Canadian Administration has submitted filings with the International Telecommunication Union (“ITU”) for the 17/24 GHz BSS spectrum at 103° W.L. The Canadian filings, which cover operations in both Canada and the U.S., have date priority that is superior to the U.S. ITU filing for these frequencies at this orbital position.

Ciel intends to file comments on the RB-2A Application concerning the conditions necessary to ensure that Ciel's spectrum rights at this orbital location are protected consistent with ITU requirements. As a party in this proceeding for purposes of Section 1.1202(d)(1), Ciel is entitled to be provided with advance notice and the opportunity to be present for oral presentations and to be served with a copy of written presentations with respect to all communications between the Commission and the applicant or other parties to the RB-2A Application.<sup>1</sup>

Ciel requests that the Commission designate the RB-2A Application proceeding as permit-but-disclose pursuant to Section 1.1200(a). That rule confers discretion on the Commission and its staff to modify the *ex parte* status of a proceeding based on a finding that such modification is in the public interest.<sup>2</sup> Grant of permit-but-disclose status will facilitate communication between the Commission and the parties regarding the RB-2A Application, allowing the Commission to develop a full and complete record. As a result, permit-but-disclose designation will enhance the Commission's ability to resolve the policy issues the RB-2A Application raises.

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<sup>1</sup> 47 C.F.R. §§ 1.1202 & 1.1208. Until such time as Ciel's motion to modify the *ex parte* status of the RB-2A Application proceeding is granted, the proceeding will be restricted for purposes of the *ex parte* rules.

<sup>2</sup> 47 C.F.R. § 1.1200(a).

Based on the foregoing, Ciel requests that the Commission designate the RB-2A Application as permit-but-disclose.

Respectfully submitted,

**CIEL SATELLITE LIMITED PARTNERSHIP**


By:   
Scott Gibson  
Vice President & General Counsel  
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October 23, 2009

## CERTIFICATE OF SERVICE

I, Scott Gibson, hereby certify that on this 23rd day of October, 2009, I caused to be served a true copy of the foregoing "Ciel Satellite Limited Partnership Notice of Intent to Participate and Motion to Designate Proceeding as Permit-But-Disclose" by electronic mail and first class mail, postage prepaid, upon the following:

William Wiltshire  
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1200 18th Street, N.W.  
Washington, DC 20036  
*Counsel to DIRECTV ENTERPRISES, LLC*

  
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Scott Gibson