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January 14, 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-LOA-20090807-00085 (Call Sign S2796)

Spectrum Five LLC
File No. SAT-L01-20081119-00217 (Call Sign S2778)

Dear Ms. Dortch:

On January 13, 2010, David Wilson of Spectrum Five LLC ("Spectrum Five"), Chris Putala of Putala Strategies, and the undersigned counsel participated in a telephone call with Mindel De La Torre, Fern Jarmulnek, Andrea Kelly, Robert Nelson, and Cassandra Thomas of the International Bureau ("the Bureau") and discussed the Bureau's January 8, 2010 grant of authority with respect to the above-referenced application of DIRECTV Enterprises, LLC ("DIRECTV").¹

Specifically, Spectrum Five sought clarification regarding whether the authority to operate the RB-2A space station granted in the Order was independent from the authority granted by the Bureau to DIRECTV in DA 09-1624 for DIRECTV RB-2.² Based upon the discussion, it

¹ See Order, *In re DIRECTV Enters., LLC, Application for Authority to Launch and Operate DIRECTV RB-2A, a Satellite in the 17/24 GHz Broadcasting Satellite Service at 103° W.L.*, File No. SAT-LOA-20090807-00085, Call Sign: S2796 (rel. Jan. 8, 2010) ("the Order").

² See Order and Authorization, *In re DIRECTV Enters., LLC, Application for Authorization to Launch and Operate DIRECTV RB-2, a Satellite in the 17/24 GHz Broadcasting Satellite Service at the 102.825° W.L. Orbital location*, File Nos. SAT-LOA-20060908-00100, SAT-AMD-20080114-00014, SAT-AMD-20080321-00077, Call Sign: S2712, DA09-1624, 24 FCC Rcd. 9393 (rel. July 28, 2009).

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is Spectrum Five's understanding that, even if the authorization for RB-2A is independent of the authorization for RB-2, the RB-2A authorization to operate at the 102.765° W.L. orbital location is temporally limited and subject to the commencement of operations of a regularly authorized space station under the Commission's first-come, first-served processing framework. Thus, the Bureau has granted the RB-2A authorization to operate at the 102.765° W.L. orbital location, but that authorization is only valid until the commencement of operations of a space station that is regularly authorized to provide service to the United States at the 103° W.L. orbital location unless DIRECTV has entered into a coordination agreement with the operator of such space station.

The Bureau also stated that the 15-year license term granted to the RB-2A space station has no bearing upon DIRECTV's authority to operate the RB-2A space station at the nominal 103° W.L. orbital location once a regulatory authorized space station commences operations at such orbital location. The Bureau stated that the 15-year license applies to the space station, *not* the orbital location.

Spectrum Five further requested clarification regarding the relationship between the Order and the Commission's 17/24 GHz BSS application queue for the 103° W.L. orbital location. The Bureau explained that DIRECTV's authorization to operate RB-2A is an "interim" authorization, and, consistent with the Commission's first-come, first-served rules, Spectrum Five's application³ is next in the queue for 103° W.L. orbital location after DIRECTV's RB-2 application.⁴

Finally, Spectrum Five asked for clarification regarding the International Telecommunication Union ("ITU") status of the RB-2A space station. The Bureau asserted that no new ITU filing has been made for RB-2A because such space station is purportedly part of the satellite network for which the Commission made an API filing at the ITU on October 2, 2006, and an AP4 filing at the ITU that was recorded on April 2, 2007. However, Spectrum Five expressed concern that the technical parameters of RB-2A exceed the parameters included in the Commission's ITU filing for the 103° W.L. orbital location, and that, as a result, a new ITU filing is required for RB-2A.

³ *In re Spectrum Five LLC Petition for Declaratory Ruling to Serve the U.S. Market from the 103.15° W.L. Orbital Location in the 17/24 GHz Broadcasting Satellite Service Band*, File No. SAT-LOI-20081119-00217, Call Sign: S2778 (filed Nov. 19, 2008).

⁴ *In re DIRECTV Enters., LLC Application for Authorization to Launch and Operate DIRECTV RB-2, a Satellite in the 17/24 GHz Broadcasting Satellite Service at the 102.825° W.L. Orbital location*, File Nos. SAT-LOA-20060908-00100, SAT-AMD-20080114-00014, SAT-AMD-20080321-00077, Call Sign: S2712 (filed Sept. 8, 2006).

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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,

/s/ Howard W. Waltzman
Howard W. Waltzman

cc: Mindel De La Torre
Fern Jarmulnek
Andrea Kelly
Robert Nelson
Cassandra Thomas
William M. Wiltshire (counsel to DIRECTV)