

**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	)	

**COMMENTS OF CIEL SATELLITE LIMITED PARTNERSHIP**

Ciel Satellite Limited Partnership (“Ciel”), pursuant to Section 1.106 of the Commission’s Rules, 47 C.F.R. § 1.106, hereby submits its comments concerning the Spectrum Five LLC (“Spectrum Five”) Petition for Reconsideration<sup>1</sup> of the grant of operating authority to DIRECTV Enterprises, LLC (“DIRECTV”) for DIRECTV RB-2A, a 17/24 GHz Broadcasting-Satellite Service (“BSS”) payload at the 102.765° W.L. orbital location.<sup>2</sup>

Ciel has actively participated in the proceedings relating to the DIRECTV RB-2A license application (the “RB-2A Application”)<sup>3</sup> as well as the proceedings concerning Spectrum Five’s request for authority to serve the U.S. market using the Netherlands-licensed BSSNET2-103W 17/24 GHz BSS spacecraft at the nominal 103° W.L. orbital location (the “BSSNET2-

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<sup>1</sup> Petition for Reconsideration of Spectrum Five LLC, File No. SAT-LOA-20090807-00085, Call Sign S2796, filed Feb. 16, 2010 (“Spectrum Five Petition”).

<sup>2</sup> *DIRECTV Enterprises, LLC*, Stamp Grant, File No. SAT-LOA-20090807-00085, Call Sign S2796 (granted Jan. 8, 2010) (“January 8 RB-2A Grant”).

<sup>3</sup> See Comments of Ciel Satellite Limited Partnership, File No. SAT-LOA-20090807-00085, filed Nov. 2, 2009 (“Ciel RB-2A Comments”); Reply Comments of Ciel Satellite Limited Partnership, File No. SAT-LOA-20090807-00085, filed Nov. 24, 2009 (“Ciel RB-2A Reply Comments”).

103W LOI”).<sup>4</sup> As Ciel has explained, Ciel holds Canadian authority to provide 17/24 GHz BSS at 103° W.L., and the underlying Canadian International Telecommunication Union (“ITU”) filings have date priority over both the U.S. filings relied on by DIRECTV and the Netherlands filings relied on by Spectrum Five for the 17/24 GHz BSS frequencies at this orbital position.<sup>5</sup>

Most recently, Ciel filed comments earlier this month with respect to Spectrum Five’s Petition for Reconsideration of the grant of construction and launch authority for RB-2A.<sup>6</sup> The instant Spectrum Five Petition raises similar arguments challenging the processing of the RB-2A Application prior to action on the BSSNET2-103W LOI and the adequacy of the condition imposed relating to Spectrum Five’s prior petition for reconsideration of DIRECTV’s license for the RB-2 17/24 GHz BSS spacecraft.<sup>7</sup>

Rather than repeating its previous discussion of these matters, Ciel incorporates its February 3 Comments by reference herein. As that filing explains, Ciel’s interest here is limited to ensuring that the Commission conforms to its obligations under international law and its standard procedures by requiring DIRECTV to comply with ITU rules on international

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<sup>4</sup> See Comments of Ciel Satellite Limited Partnership, File No. SAT-LOI-20081119-00217, dated Nov. 9, 2009 (“Ciel Comments on Petition to Deny BSSNET2-103W”); Comments of Ciel Satellite Limited Partnership, File No. SAT-LOI-20081119-00217, dated Nov. 23, 2009 (“Ciel BSSNET2-103W Comments”); Reply Comments of Ciel Satellite Limited Partnership, File No. SAT-LOI-20081119-00217, dated Dec. 10, 2009 (“Ciel BSSNET2-103W Reply Comments”).

<sup>5</sup> See Ciel RB-2A Comments at 2; Ciel BSSNET2-103W Comments at 2.

<sup>6</sup> See Comments of Ciel Satellite Limited Partnership, File No. SAT-LOA-20090807-00085, filed Feb. 3, 2010 (“February 3 Comments”).

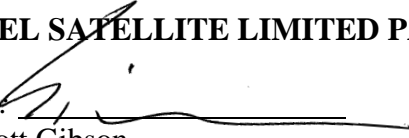
<sup>7</sup> See Spectrum Five Petition at 1-2.

coordination. Pursuant to those rules, DIRECTV must terminate RB-2A's operations to accommodate the higher priority Ciel network if coordination has not been reached.<sup>8</sup>

Accordingly, Ciel takes no position with respect to Spectrum Five's claims that the January 8 RB-2A Grant should be rescinded. Ciel simply requests that in any decision addressing the instant Spectrum Five Petition, the Commission take no action that would conflict with international law and Commission policies with respect to coordination requirements and the obligation of a U.S. licensee to yield to a foreign-licensed network with ITU priority absent a coordination agreement.

Respectfully submitted,

**CIEL SATELLITE LIMITED PARTNERSHIP**

By:   
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<sup>8</sup> The January 8 RB-2A Grant expressly provides that "DIRECTV must terminate operations" on RB-2A when a "17/24 GHz BSS space station regularly authorized to provide service to the United States pursuant to the Commission's first-come, first-served processing framework commences operations at the 103° W.L. location, or its offsets" unless DIRECTV "has entered into a coordination agreement with the operator of the newly launched 17/24 GHz BSS space station." January 8 RB-2A Grant at 2 (¶ 2).

## CERTIFICATE OF SERVICE


I, Scott Gibson, hereby certify that on this 26th day of February, 2010, I caused to be served a true copy of the foregoing "Comments of Ciel Satellite Limited Partnership" by first class mail, postage prepaid, upon the following:

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