

WAIVER REQUEST

In this application, DIRECTV Enterprises, LLC (“DIRECTV”) seeks authority to launch and operate a Ku-band satellite in the Fixed Satellite Service at the nominal 76° W.L. orbital location, to be designated as DIRECTV KU-76W. DIRECTV intends to operate the satellite by remote control, but it has not yet contracted for the construction of the DIRECTV KU-76W satellite, and therefore has not yet finalized arrangements for tracking, telemetry and control. In these circumstances, DIRECTV is unable to provide the contact information for the remote control point requested in Schedule S.

Accordingly, to the extent necessary, DIRECTV requests a waiver of the requirement to submit such information at this time. The Commission may waive its rules for good cause shown,¹ or where the particular facts make strict compliance inconsistent with the public interest.² At this very early stage, DIRECTV knows that it will conduct TT&C operations for this satellite from a remote site, but does not know any details related those TT&C operations. Accordingly, in this case, there is no way to provide the information requested at this time.

Were the Commission to delay or deny the application for lack of such information, it would unnecessarily require satellite applicants to finalize all arrangements for TT&C years before launch of a new satellite – in fact, before the satellite authorization is even granted. This could significantly delay or deny the provision of valuable satellite services to the public. There can be no realistic concern that the inability to provide specific information on TT&C arrangements at this early

¹ 47 C.F.R. § 1.3; *see also WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

² *See Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

stage could affect ultimate operations of the satellite. DIRECTV operates a fleet of satellites, and clearly will arrange for TT&C of DIRECTV KU-76W well in advance of launching the satellite just as it has done for its many other satellites. At that point, DIRECTV will be in a position to supply the information requested by Schedule S. At present, however, DIRECTV respectfully requests that the Commission waive any requirement for submission of information on the remote control site for TT&C and continue to process the application to completion as expeditiously as possible.