

## WAIVER REQUEST

### **A. Request for Waiver of Remote TT&C Location Information**

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 45° W.L. orbital location, to be designated as DIRECTV KU-45W. DIRECTV intends to operate the satellite by remote control, but it has not yet contracted for the construction of the DIRECTV KU-45W 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,<sup>1</sup> or where the particular facts make strict compliance inconsistent with the public interest.<sup>2</sup> 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 to 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

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<sup>1</sup> 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).

<sup>2</sup> *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-45W 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.

**B. Request for Waiver of Section 25.114(d)(3)**

DIRECTV also requests a waiver of Section 25.114(d)(3), which requires that the space station antenna gain contour(s) for each transmit and receive antenna beam be plotted on an area map at 2 dB intervals down to 10 dB below peak value of the parameter and at 5 dB intervals between 10 dB and 20 dB below peak values, and must be provided in GXT format. DIRECTV requests a waiver of this requirement solely with respect to DIRECTV KU-45W's wide angle TT&C antennas (bicone and pipe). These antennas are discussed in Section 7.3 of the application and Figure B-4 provides a diagram of the antennas' coverage, but the satellite manufacturer does not provide the beam pattern in the required GXT form. To the extent necessary, there is good cause to waive Section 25.114(d)(3) because in this case DIRECTV's descriptive characterization, coupled with the beam patterns provided by the manufacturer, fulfill the informational requirements of Section 25.114(d)(3). In addition, granting the requested waiver would be consistent with precedent, as the Commission has previously waived Section 25.114(d)(3) in similar circumstances.<sup>3</sup>

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<sup>3</sup> See *PanAmSat Licensee Corp.* IBFS File No. SAT-MOD-20101102-00229, ¶ 5 (stamp grant Mar. 8, 2011(as corrected Apr. 7, 2011)); *Intelsat North America LLC*, IBFS File Nos. SAT-LOA-20090410-00043 and SAT-AMD-20090528-00059, ¶2 (stamp grant Nov. 25, 2009).

## ENGINEERING CERTIFICATION

The undersigned hereby certifies to the Federal Communications Commission as follows:

- (i) I am the technically qualified person responsible for the engineering information contained in the foregoing Amendment,
- (ii) I am familiar with Part 25 of the Commission's Rules, and
- (iii) I have either prepared or reviewed the engineering information contained in the foregoing Minor Amendment, and it is complete and accurate to the best of my knowledge and belief.

Signed:

/s/

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Jack Wengryniuk

February 5, 2013

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Date