

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

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<i>Application of</i>)	
)	
DIRECTV ENTERPRISES, LLC)	Call Sign: S2930
)	File No. SAT-LOA-20140825-00094
For Authorization to Launch and)	
Operate DIRECTV 15 at 103° W.L.)	
_____)	

CONSOLIDATED OPPOSITION OF DIRECTV ENTERPRISES, LLC

DIRECTV Enterprises, LLC (“DIRECTV”) hereby opposes the petitions filed by DISH Operating L.L.C. (“DISH”) and SES Americom, Inc. (“SES”) and Ciel Satellite Limited Partnership (“Ciel”) requesting that the above referenced application for authority to launch and operate the DIRECTV 15 Ka-band satellite at the 103° W.L. orbital location be deferred or denied.¹ None of these parties has any objection to the Ka-band operations of the satellite *per se*. Rather, both DISH and SES/Ciel argue that action in this proceeding should be deferred until such time as DIRECTV has successfully coordinated the RB-2 17/24 GHz Broadcasting Satellite Service (“BSS”) payload aboard the satellite with Ciel, which holds a Canadian authorization to provide 17/24 GHz BSS at this slot. Alternatively, DISH supports deferral until the Commission has acted on SES’s application to operate the SES-3 satellite on C- and Ku-band frequencies at

¹ See Petition to Deny or Defer, IBFS File No. SAT-LOA-20140825-00094 (filed Nov. 3, 2014) (“DISH Petition”); Petition to Defer of SES Americom, Inc. and Ciel Satellite Limited Partnership, IBFS File No. SAT-LOA-20140825-00094 (filed Nov. 3, 2014) (“SES/Ciel Petition”). DIRECTV 15 also includes a Direct Broadcast Satellite payload, but DIRECTV does not seek operational authority for it at this time.

103° W.L.² and DISH's application for a blanket earth station license to receive 17/24 GHz BSS service from the Ciel-6i payload on SES-3 in the United States.³

Both DISH and SES/Ciel base their requests on the fact that the Commission has deferred the grant of operational authority for the C- and Ku-band payloads on SES-3 to provide time for Ciel and DIRECTV to coordinate their 17/24 GHz operations at 103° W.L.⁴ They argue that, if the public interest is served by delaying full licensing of the non-17/24 GHz BSS payloads on SES-3 pending coordination of the 17/24 GHz BSS payload on that spacecraft, then the same should be true with respect to DIRECTV 15.⁵ Their argument, however, overlooks two key distinctions between the two cases that make a different outcome appropriate here.

First, the 17/24 GHz BSS payload on SES-3 is licensed by Canada, whereas the RB-2 payload on DIRECTV 15 is licensed by the United States. This means that, even after granting full operating authority for DIRECTV 15, the Commission will retain full authority to determine whether and under what conditions RB-2 will be allowed to operate. By contrast, the Commission has no such control over the operations of the Canadian-licensed Ciel-6i payload. Nor does it have any control over the claims Ciel makes internationally about the operations of its satellite. For example, Ciel claims to have brought into use the Canadian CAN-BSS19 network with Ciel-6i, yet that payload hardly resembles the ITU filing. For example:

- The CAN-BSS19 network has a minimum transmit power capability of 53-60.5 dBW – ***more than 100 times*** the maximum transmit power of Ciel-6i (33 dBW).

² See IBFS File No. SAT-RPL-20121228-00227 (filed Dec. 28, 2012).

³ See IBFS File No. SES-LFS-20140924-00752 (filed Sep. 24, 2014).

⁴ See *SES Americom, Inc.*, 29 FCC Rcd. 3678, ¶¶ 1, 8-9 (Int'l Bur. 2014).

⁵ See DISH Petition at 2-3; SES/Ciel Petition at 3.

- The CAN-BSS19 network has shaped transmit beams with at least 35 dBi gain, which is *16 times greater* than the 23 dBi gain of the single, non-shaped transmit beam on Ciel-6i.
- The CAN-BSS19 network receives uplinks in both left and right hand polarization, while Ciel-6i can only receive left hand polarization.

Accordingly, the Commission does not have control over all aspects of the operations and international implications of the SES-3 satellite in the same way that it does with respect to DIRECTV 15.

Second, the histories of these two satellites vary materially, and justify materially different regulatory treatment. As DIRECTV has previously documented,⁶ SES designed, built, and launched SES-3 to replace another U.S.-licensed satellite, but then deliberately chose to launch and operate it initially under a license from another country. It did so for one simple reason: so that it could use the token 17/24 GHz BSS payload on the satellite to gain international priority over a U.S. licensee preparing to launch an innovative new service, in contravention of the U.S. public interest – and knew that the Commission would not authorize such operations. Then, *after* accomplishing maneuvers that undermine the U.S. public interest, SES sought a U.S. license and the international regulatory advantages that go along with it, seeking effective ratification from the Commission of its previous conduct.

By contrast, DIRECTV pioneered the 17/24 GHz BSS service in the United States.⁷ It holds a license from the Commission to operate at 103° W.L., and has completed construction of a fully capable 17/24 GHz BSS satellite that is awaiting launch. DIRECTV will be the first satellite operator to use this spectrum band to provide a commercial service. DIRECTV has been diligently working with consumer electronics manufacturers and programmers to promote the

⁶ See Petition to Deny or Defer of DIRECTV, LLC, IBFS File Nos. SAT-RPL-20121228-00227 and SAT-AMD-20131113-00132 (Dec. 16, 2013).

⁷ See *id.* at 3-4.

CERTIFICATE OF SERVICE

I hereby certify that, on this 17th day of November, 2014, a copy of the foregoing Consolidated Opposition of DIRECTV Enterprises, LLC was served by first class mail upon:

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