

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)

DIRECTV Enterprises, LLC)

Application for Authorization to Launch and)
Operate DIRECTV 15 at 103° W.L.)

File No. SAT-LOA-20140825-00094
Call Sign S2930

**DISH OPERATING L.L.C REPLY TO OPPOSITION OF
DIRECTV ENTERPRISES, LLC**

Pursuant to Section 25.154(d) of the Commission’s rules,¹ DISH Operating L.L.C. (“DISH”) submits this reply to the opposition of DIRECTV Enterprises, LLC (“DIRECTV”) to DISH’s petition to deny or defer (“Petition”)² DIRECTV’s above-captioned application (the “DIRECTV 15 Application”) for authority to launch and operate the DIRECTV 15 satellite on Ka-band Fixed Satellite Service (“FSS”) frequencies at the nominal 103° W.L. orbital location.³

In support of its Petition,⁴ DISH noted that the International Bureau (“Bureau”) earlier this year granted similar relief in response to DIRECTV’s petition to deny or defer the application of SES Americom, Inc. (“SES Americom”) for authority to operate the SES-3

¹ 47 C.F.R. § 25.154(d); *see also Policy Branch Information: Satellite Space Applications Accepted for Filing*, Public Notice, Report No. SAT-01043 (Oct. 3, 2014).

² *See* DISH, Petition to Deny or Defer, IBFS File No. SAT-LOA-20140825-00094 (Nov. 3, 2014) (“DISH Petition”).

³ The proposed DIRECTV 15 satellite will carry a 17/24 GHz Broadcasting-Satellite Service (“BSS”) payload in addition to a Ka-band FSS payload and a 12/17 GHz Direct Broadcast Satellite (“DBS”) payload. *See* DIRECTV, Application for Authority to Launch and Operate DIRECTV 15, IBFS File No. SAT-LOA-20140825-00094, Narrative at 1 n.1 (Aug. 25, 2014) (“DIRECTV 15 Application”).

⁴ *See* DISH Petition at 2.

satellite on C- and Ku-band frequencies at 103° W.L.⁵ Specifically, even though no objections were raised against SES Americom’s proposed C- and Ku-band operations, the Bureau nonetheless deferred action on the proposal in order to provide time for Ciel Satellite Limited Partnership and DIRECTV to coordinate their 17/24 GHz BSS payloads at 103° W.L.⁶

Despite the similarities and shared set of facts between the two cases, DIRECTV asks the Commission to ignore the *SES-3 Order* and grant preferential treatment to DIRECTV on the basis that DIRECTV’s 17/24 GHz BSS payload is U.S.-licensed, whereas Ciel’s 17/24 BSS payload is licensed by Canada.⁷ This is precisely the type of discriminatory regulatory treatment that the Commission has long sought to eliminate with respect to its regulation of U.S.- and non-U.S.-licensed satellite services.⁸ The Commission’s lack of jurisdiction over a Canadian-licensed payload does not provide justification for the Commission to provide preferential regulatory treatment to a U.S.-licensed payload.⁹

Furthermore, the DISH Ciel-6i Application¹⁰ disproves DIRECTV’s claim that the Ciel-6i payload is merely a “token” payload used to bolster Ciel’s international priority with respect

⁵ See SES Americom, Application for Authority to Operate the SES-3 Replacement Satellite at 103° W.L., IBFS File No. SAT-RPL-20121228-00227, Narrative at 1 (Dec. 28, 2012) (“SES-3 Application”).

⁶ See *SES Americom, Inc. Application for Authority to Operate the SES-3 Satellite at 103° W.L.*, 29 FCC Rcd 3678, ¶¶ 1, 8-9 (IB 2014) (“*SES-3 Order*”).

⁷ See DIRECTV, Consolidated Opposition, IBFS File No. SAT-LOA-20140825-00094, at 2 (Nov. 17, 2014) (“DIRECTV Opposition”).

⁸ See *Foreign-Licensed Space Station Provision of Service in the United States*, Report and Order, 12 FCC Rcd 24094, ¶ 185 n.359 (1997) (“We reiterate our intent to hold non-U.S. satellite operators to the same rules as we do our U.S.-licensed space station operators.”).

⁹ See *id.* ¶ 21 (“Under Article II of the [General Agreement on Trade in Services], all [World Trade Organization] Members must provide [most-favored-nation] treatment to like services and service suppliers of all other WTO Members.”).

¹⁰ See DISH Operating L.L.C., Application for Blanket Earth Station License, IBFS File No. SES-LFS-20140924-00752 (Sept. 24, 2014) (“DISH Ciel-6i Application”).

CERTIFICATE OF SERVICE

I, Hadass Kogan, hereby certify under penalty of perjury that a copy of the foregoing Reply to Opposition was served on November 28, 2014, by first-class mail upon the following:

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