



May 11, 2015

**BY EFILE**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: DIRECTV Enterprises, LLC  
File Nos. SAT-AMD-20150407-00018 & SAT-LOA-20140825-00094  
Call Sign S2930

Dear Ms. Dortch:

Pursuant to Section 25.154(a) of the FCC's rules,<sup>1</sup> EchoStar Satellite Operating Corporation ("EchoStar") submits these comments on the above-referenced amendment to the application of DIRECTV Enterprises, LLC ("DIRECTV") to launch and operate a new satellite, DIRECTV 15, at the nominal 103° W.L. location.<sup>2</sup>

EchoStar supports Commission grant of the request (as set forth in the DIRECTV amendment) for a waiver to permit a small amount of residual helium to remain on board at the end of DIRECTV 15's end of life but only if similar waivers may be granted to other licensees opting to construct and launch similarly designed satellites in the future.<sup>3</sup> In support of its request for a waiver of the rules requiring a discharge of all stored energy sources on board at a satellite's end of life, DIRECTV states that the DIRECTV 15 satellite has been constructed based on the EuroStar 3000 spacecraft bus, which is designed with a pressurant tank that will contain a small amount of residual helium at the satellite's end of life.<sup>4</sup> DIRECTV further states that the satellite's EuroStar 3000 design makes it extremely unlikely that the helium tank will leak or burst, and that the residual gas will be stored under conditions that would make an accidental, post-mission explosion even more unlikely.<sup>5</sup> These facts alone provide sufficient justification for a waiver grant. The Commission's decision on such waivers should be based upon specific

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<sup>1</sup> See 47 C.F.R. § 25.154(a).

<sup>2</sup> See *Policy Branch Information: Satellite Space Applications Accepted for Filing*, Public Notice, Report No. SAT-01076, at 1 (Apr. 10, 2015) (finding DIRECTV amendment as acceptable for filing).

<sup>3</sup> See DIRECTV Amendment, File No. SAT-AMD-20150407-00018, Narrative, at 3 (Apr. 7, 2015).

<sup>4</sup> See *id.* at 2, 4.

<sup>5</sup> See *id.* at 2-3.

findings regarding how the spacecraft design minimizes the likelihood of an accidental explosion and thus meets the underlying objectives of the rules.<sup>6</sup>

Like DIRECTV, other licensees have opted or may opt in the future to construct their satellites based upon the EuroStar 3000 or similar spacecraft design, and they are equally deserving of similar waivers. To ensure fair and consistent application of its waiver policy, the Commission should ensure that any waiver granted here is equally available to all other licensees utilizing a similar spacecraft design. Such a waiver grant will provide regulatory certainty and allow future licensees, including DIRECTV, to realize the full benefits offered by the long heritage of the EuroStar 3000 design.

Please direct any questions regarding this matter to the undersigned.

Sincerely,

/s/ Jennifer A. Manner

Jennifer A. Manner

Vice President of Regulatory Affairs

cc: Jose Albuquerque (FCC)  
Kerry Murray (FCC)  
Karl Kensinger (FCC)  
Chip Fleming (FCC)  
Parties on the attached Certificate of Service

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<sup>6</sup> DIRECTV also states that DIRECTV 15 is already fully constructed, and there is no longer an opportunity to alter the spacecraft's design to ensure compliance with the rules. *See id.* at 3. The Commission, however, should reject those facts as a basis for a waiver grant because DIRECTV should have been aware of the rules prior to construction, could have changed the spacecraft design to comply with the rules prior to construction, and constructed at its own risk.

## CERTIFICATE OF SERVICE

I, Theresa L. Rollins, hereby certify under penalty of perjury that a copy of the foregoing Comments was served on May 11, 2015 by first-class mail upon the following:

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