

EX PARTE OR LATE FILED



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January 14, 2008

FILED/ACCEPTED

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Federal Communications Commission  
Office of the Secretary

**BY HAND DELIVERY**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: ***Ex Parte Presentation***  
*File Nos. SAT-LOI-20050312-00062 and -00063*

ORIGINAL

Dear Ms. Dortch:

On January 11, 2008, Stacy Fuller of The DIRECTV Group, Inc. ("DIRECTV") spoke by telephone with Wayne Leighton, Legal Advisor to Commissioner Tate, to discuss DIRECTV's pending Application for Review of the International Bureau's grant of authority to Spectrum Five, LLC ("Spectrum Five") to serve the U.S. market from foreign-licensed "tweener" satellites.

In this call, Ms. Fuller expressed DIRECTV's ongoing concern that Spectrum Five's proposed operations would disrupt DBS service received by millions of Americans. Although the International Bureau authorized Spectrum Five to operate on a non-interference basis in the absence of coordination with existing DBS operators, Spectrum Five has neither submitted the characteristics for a proposed non-interfering system nor *initiated* – much less completed – coordination with DIRECTV. Indeed, in the nearly three years since filing its applications, Spectrum Five has yet to even call DIRECTV to discuss coordination. Accordingly, neither DIRECTV nor the Commission has any basis upon which to determine whether Spectrum Five has devised an alternative method of operation that would not cause harmful interference to existing DBS services.

Ms. Fuller also argued that, if the Commission were to deny DIRECTV's Application for Review, it should at a minimum require Spectrum Five to demonstrate its ability to comply with the terms of its license. Specifically, Spectrum Five should be required to submit to the Commission for review and comment by interested parties a technical showing of how its satellite(s) would operate on a non-interference basis or in

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accord with any coordination agreements reached. Such a showing should be submitted within two years of licensing (*i.e.*, by November 29, 2008) so that the Commission and all interested parties have an opportunity to evaluate Spectrum Five's proposed operations well before construction of the satellite(s) has reached a point where any necessary design revisions could be claimed to impose an undue economic burden.

Sincerely yours,

A handwritten signature in black ink, appearing to read "William M. Wiltshire". The signature is fluid and cursive, with the first name being the most prominent.

William M. Wiltshire  
*Counsel for The DIRECTV Group, Inc.*

cc: Wayne Leighton