

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Application of DIRECTV Enterprises, LLC)

for Minor Modification of its DBS System
and for Authorization to Relocate and Operate
its DIRECTV 6 and DIRECTV 1 Satellites

) DBS8402 SAT-MOD-20030613-00120
) DIRECTV Enterprises, LLC
) DIRECTV 1

) DBS8804 SAT-MOD-20030613-00121
) DIRECTV Enterprises, LLC
) Directv 6

APPLICATION FOR MINOR MODIFICATION

DIRECTV Enterprises, LLC ("DIRECTV") hereby requests a minor modification of its relevant Direct Broadcast Satellite ("DBS") system authorizations to reflect the relocation of the DIRECTV 6 satellite to the 110° W.L. orbital position, the relocation of the DIRECTV 1 satellite to the 101° W.L. orbital position, and the respective operations of the satellites from those locations once they have been moved.

I. INTRODUCTION

DIRECTV currently provides service to U.S. consumers from a constellation of DBS satellites that use 32 DBS frequencies at 101° W.L., 3 DBS frequencies at 110° W.L., and 11 DBS frequencies at 119° W.L.¹ DIRECTV, together with certain independent distributors, now has more than 11.4 million subscribers in the United States.

DIRECTV 1 is a Boeing HS601-model DBS spacecraft that was originally clustered with several other DIRECTV DBS satellites at the 101° W.L. orbital position, and currently provides service using DIRECTV's assigned DBS frequencies at 110° W.L. DIRECTV 6 is a Loral

¹ DIRECTV voluntarily surrendered the DBS channels previously allocated to it at the 157° W.L. orbital location in May 1998. See Public Notice, Rep. No. SPB-127 (rel. June 10, 1998).

FS1300 spacecraft that currently provides backup capacity to the DIRECTV 5 satellite at 119° W.L. which uses DIRECTV's eleven assigned DBS frequencies at that orbital position.

On June 11, 2003, DIRECTV requested a grant of special temporary authority ("STA") to move the DIRECTV 6 and DIRECTV 1 direct broadcast satellites to the 110° W.L. and 101° W.L. orbital positions, respectively. The primary purpose of the requested STA and this application is to enhance promptly DIRECTV's DBS service to Hawaii. DIRECTV currently uses its capacity at 110° W.L. to provide high-definition television ("HDTV") programming channels to its DBS subscribers. The DIRECTV 1 satellite, however – the first satellite deployed by DIRECTV – was not designed to cover Hawaii. Therefore, DIRECTV's Hawaiian subscribers cannot receive any HDTV programming offered from the 110° W.L. orbital position.

DIRECTV 6 (formerly known as Tempo 2) has a coverage beam that can "see" the Hawaiian islands. Since the DIRECTV 7S spot beam satellite, planned for launch into the 119° W.L. location at the end of this year,² also has national capacity that can serve as backup capacity for DIRECTV 5, DIRECTV 6 is available for re-positioning at 110° W.L. Once DIRECTV 6 is positioned at 110° W.L., the programming carried on DIRECTV 1 can be transferred to DIRECTV 6, which will allow Hawaiian subscribers to access it. DIRECTV 1 will then be returned to the 101° W.L. to provide service and to act as additional backup capacity to DIRECTV's core national offerings at that location.

By this application, DIRECTV seeks to formally modify its relevant system authorizations to reflect these changes, which are in the public interest.

² See *In the Matter of DIRECTV Enterprises, LLC, Application for Authority to Launch and Operate DIRECTV 7S (USABSS-18)* (filed June 11, 2003).

II. MINOR MODIFICATION REQUESTED

DIRECTV seeks a minor modification of its relevant system authorizations to reflect the relocation and reassignment of the DIRECTV 6 and the DIRECTV 1 satellites to the 110° W.L. and 101° W.L. orbital positions, respectively, and the corresponding operation of the satellites at those locations.

III. GENERAL TECHNICAL INFORMATION AND INTERFERENCE ANALYSIS

The technical parameters for DIRECTV 6 and DIRECTV 1 are already on file with the Commission and are a matter of public record. Because DIRECTV 6 is being substituted for DIRECTV 1 at 110° W.L., and DIRECTV 1 is being moved back to 101° W.L. (its original assigned orbital position), the operation of these satellites will not pose any interference risk to other satellites and requires no coordination with other satellites.

IV. APPLICANT QUALIFICATIONS

DIRECTV is a wholly-owned subsidiary of Hughes Electronics Corporation, which is wholly-owned by General Motors Corporation. DIRECTV is a fully qualified DBS licensee, and its legal qualifications are a matter of public record. For DBS systems, the Commission has not required a prior demonstration of financial qualifications, but has instead relied on the applicant meeting due diligence milestones once a system is authorized. Nevertheless, DIRECTV has sufficient financial resources available to cover the costs of relocating the DIRECTV 6 and DIRECTV 1 satellites and operating them as described.

V. TYPE OF OPERATIONS

The operation of the DIRECTV 6 and DIRECTV 1 satellites will be on a non-broadcast, non-common carrier basis. DIRECTV may sell and/or lease capacity on a non-common carrier basis for complementary business purposes.

VI. SCHEDULE

Pursuant to the STA, DIRECTV desires to initiate the relocation and operation of the DIRECTV 6 and DIRECTV 1 satellites on Friday, June 20, 2003, so that satellite-delivered HDTV programming service can begin being retransmitted to DBS subscribers residing in Hawaii by July 1, 2003. DIRECTV understands that final relocation and operation of the DIRECTV 6 and DIRECTV 1 satellites will remain subject to the approval of the instant application.

VII. PUBLIC INTEREST CONSIDERATIONS

As DIRECTV has stated in previous proceedings, it is committed to improving and expanding its DBS service to residents of the State of Hawaii, which is an express policy goal of the Commission.³ Thus, the relocation and operation of the DIRECTV 6 and DIRECTV 1 satellites as described herein is in the public interest.

VIII. SECTION 304 WAIVER

In accordance with Section 304 of the Communications Act,⁴ DIRECTV hereby waives any claim to the use of any particular frequency of the electromagnetic spectrum as against any regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

³ See, e.g., *In the Matter of Policies and Rules for the Direct Broadcast Satellite Service*, IB Docket No. 98-21, Report and Order (rel. June 13, 2002), at ¶ 50 (recognizing “the importance of establishing DBS as a competitor to cable in the MVPD market in” the State of Hawaii).

⁴ 47 U.S.C. § 304

IX. CONCLUSION

For the foregoing reasons, DIRECTV respectfully requests that the Commission promptly grant this application to modify its DBS system to relocate DIRECTV 6 and DIRECTV 1 to the 110° W.L. and 101° W.L. orbital locations, respectively, and to operate the satellites from these locations.

Respectfully submitted,

DIRECTV Enterprises, LLC

By 
James R. Butterworth

EXPEDITED PROCESSING REQUESTED

ANTI-DRUG ABUSE ACT CERTIFICATION

Pursuant to Section 1.2002 of the Commission's rules, 47 C.F.R. § 1.2002, DIRECTV Enterprises, Inc. ("DIRECTV") certifies that neither DIRECTV, nor any of its shareholders, nor any of its officers or directors, are subject to a denial of Federal benefits pursuant to authority granted in Section 5301 of the Anti-Drug Abuse Act of 1988.

Very truly yours,

By: 

DIRECTV Enterprises, LLC

Title _____

June __, 2003