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Before the  
Federal Communications Commission  
Washington, D.C. 20554

Federal Communications Commission  
Office of Secretary

In the Matter of )  
)  
**DIRECTV Enterprises, LLC** )  
)  
Application to Launch and Operate DIRECTV 9S ) File No. SAT-RPL-20050322-00070  
)  
Application to Launch and Operate DIRECTV 8(K) ) File No. SAT-MOD-20050513-00100  
)  
Application to Launch and Operate DIRECTV 8(D) ) File No. SAT-MOD-20050513-00101

**COMMENTS OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC**

Mobile Satellite Ventures Subsidiary LLC ("MSV") hereby files these Comments on the above-captioned applications of DIRECTV Enterprises, LLC ("DIRECTV") to operate two new satellites at the 101°W orbital location.<sup>1</sup> MSV urges the International Bureau ("Bureau") to ensure that grant of DIRECTV's applications in no way prejudices MSV's right to operate its own licensed satellites at the nominal 101°W orbital location.

**Background**

MSV is the entity authorized by the Commission in 1989 to construct, launch, and operate a United States Mobile Satellite Service ("MSS") system in the L-band.<sup>2</sup> MSV's current satellite was launched in 1995 and operates at 100.95°W.<sup>3</sup> On May 23, 2005, the Bureau

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<sup>1</sup> See Application of DIRECTV Enterprises, LLC, File No. SAT-RPL-20050322-00070 (filed March 22, 2005) ("*DTV9S Application*"); Application of DIRECTV Enterprises, LLC, File Nos. SAT-MOD-20050513-00100, SAT-MOD-20050513-00101 (filed March 13, 2005) (collectively "*DTV8 Application*").

<sup>2</sup> *Order and Authorization*, 4 FCC Rcd 6041 (1989); *remanded by Aeronautical Radio, Inc. v. FCC*, 928 F.2d 428 (D.C. Cir. 1991); *Final Decision on Remand*, 7 FCC Rcd 266 (1992); *aff'd*, *Aeronautical Radio, Inc. v. FCC*, 983 F.2d 275 (D.C. Cir. 1993); *see also AMSC Subsidiary Corporation, Memorandum Opinion and Order*, 8 FCC Rcd 4040 (1993).

<sup>3</sup> See File No. SAT-MOD-20040623-00120 (granted August 23, 2004).

authorized MSV to launch and operate a next-generation satellite at the nominal 101°W orbital location.<sup>4</sup>

On March 22, 2005, DIRECTV applied to operate a new DBS satellite (“DTV9S”) at the nominal 101°W orbital location. *See DTV9S Application*. DIRECTV plans to launch the satellite in the second quarter of 2006. *Id.* at A-2. DIRECTV does not specify a precise orbital location for the satellite. Rather, DIRECTV explains that the satellite will be one of four DIRECTV satellites at the nominal 101°W orbital location and that DIRECTV will work with the other two operators at 101°W (MSV and SES Americom) to determine the optimum arrangement of the satellites. *Id.* at A-15.

On May 13, 2005, DIRECTV filed an application to modify the license for its hybrid DBS/Ka-band satellite (“DTV8”) to locate the satellite at 100.75°W rather than the authorized 100.85°W location. *See DTV8 Application*. DIRECTV launched this satellite on May 21, 2005.

Assuming that the MSV and DIRECTV satellites are successfully launched and begin operations at the nominal 101°W orbital location, a total of seven satellites licensed to three operators will be located at this nominal location: AMSC-1 and MSV-1 licensed to MSV; DTV-1R, -4S, -8, and -9S licensed to DIRECTV; and AMC-4 licensed to SES Americom Inc.<sup>5</sup>

### **Discussion**

MSV and DIRECTV have held productive initial discussions regarding arrangement of their respective satellites at the nominal 101°W orbital location. At this point, however, there is

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<sup>4</sup> *See Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-1492 (Chief, International Bureau, May 23, 2005).

<sup>5</sup> DIRECTV refers to only six satellites that will operate at the nominal 101°W orbital location. *DIRECTV 9S Application* at A-15. In fact, in the near future upon launch of MSV’s replacement satellite, seven satellites will operate at the nominal 101°W orbital location.

no comprehensive agreement among the three operators as to how they will collocate their seven satellites to avoid in-orbit collisions. The fact that DIRECTV may operate its new satellites at 101°W prior to MSV's new satellite should not prejudice MSV's right or limit MSV's flexibility to operate at this orbital location. Unlike the Commission's first-in-time, first-in-right policy with respect to licensing of frequencies at a given orbital location, the Commission has never established a first-in-time, first-in-right or any other assignment policy regarding the physical location of satellites at a given orbital location. Rather, the Commission expects parties licensed at a particular orbital location to coordinate in good faith with other operators to avoid in-orbit collisions.<sup>6</sup> Accordingly, the Bureau should condition grant of the applications on DIRECTV's successful coordination of its satellites at 101°W with those of MSV at the same nominal location.

#### Conclusion

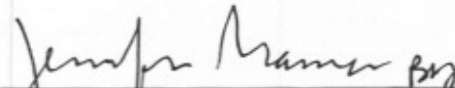
MSV requests that the Bureau act consistently with the views expressed herein.

Respectfully submitted,



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Dated: May 31, 2005

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<sup>6</sup> *Mitigation of Orbital Debris, Second Report and Order*, IB Docket No. 02-54, FCC 04-130 (June 21, 2004), at ¶ 51.

## CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 31st day of May 2005, served a true copy of the foregoing by first class United States mail, postage prepaid, upon the following:

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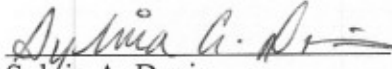
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