

September 30, 2005

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Policy Branch  
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**Via Hand Delivery**  
Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**RE: 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**

Dear Ms. Dortch:

Mobile Satellite Ventures Subsidiary LLC ("MSV") hereby responds to the letter filed by DIRECTV Enterprises, LLC ("DIRECTV") on September 22, 2005 in the above-captioned proceeding.<sup>1</sup> In its May 31st Comments in this proceeding, MSV urged the International Bureau ("Bureau") to condition the grant of DIRECTV's applications on successful coordination of its satellites at 101°W with those of MSV at the same nominal location.<sup>2</sup> In its September 22<sup>nd</sup> letter, DIRECTV overstates MSV's request, claiming that MSV is asking the Bureau to forbid DIRECTV from operating its satellites until after it coordinates with MSV. *See DIRECTV Letter* at 2.

In its May 31<sup>st</sup> Comments, MSV asked the Bureau to issue a conditional grant that makes clear that DIRECTV must coordinate its satellites with MSV's current and next-generation satellites at the same nominal orbital location regardless of when the DIRECTV satellites are launched and in operation. *See MSV Comments* at 2-3. In particular, MSV urged the Bureau to make clear that launch and operation of the new DIRECTV satellites prior to launch and operation of MSV's next-generation satellite does not give DIRECTV any greater right than MSV to operate at a given location in the orbital arc. *Id.* The Commission has never established a policy of first-in-time, first-in-right or any other assignment policy regarding the physical location of satellites at a given orbital location. Accordingly, MSV is asking the Bureau to make clear that launch and operation of DIRECTV's new satellites at the nominal 101°W orbital

<sup>1</sup> *See* Letter from William M. Wiltshire, Counsel for DIRECTV, to Ms. Marlene H. Dortch, FCC, File No. SAT-RPL-20050322-00070 et al (September 22, 2005) ("*DIRECTV Letter*").

<sup>2</sup> *See* Mobile Satellite Ventures Subsidiary LLC, Comments, File No. SAT-RPL-20050322-00070 et al (May 31, 2005).

Ms. Marlene H. Dortch  
September 30, 2005  
Page 2

location in no way prejudices MSV's right or limits MSV's flexibility to also operate satellites at this orbital location.<sup>3</sup>

Please contact the undersigned with any questions regarding this matter.

Very truly yours,

  
Jennifer A. Manner

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<sup>3</sup> DIRECTV claims that the Bureau did not impose such a condition on the grant of MSV's application for a next-generation satellite (*DIRECTV Letter* at 2), but the fact is that DIRECTV never requested such a condition and therefore cannot complain now. In any event, the Commission has clearly expressed its expectation that parties licensed at a particular orbital location will coordinate in good faith with other operators at that location. *See Mitigation of Orbital Debris, Second Report and Order*, IB Docket No. 02-54, FCC 04-130 (June 21, 2004), at ¶ 51.