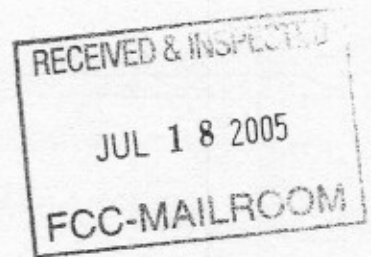




EMBAJADA DE MÉXICO



EUA04807

Mrs. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Washington, DC, July 11, 2005

Dear Mrs. Dortch,

Enclosed please find a letter addressed to you by Mr. Leonel López Celaya, Director of Telecommunications Policy at the Secretary of Communications and Transports and Mr. Fernando Carrillo Valderrábano, Director of International Regulation at the Federal Telecommunications Commission in Mexico.

I avail myself of this opportunity to renew the assurances of my highest and distinguished consideration.

Eduardo Ibarrola
Deputy Chief of Mission

DP



SECRETARIA DE COMUNICACIONES
Y
TRANSPORTES

México, D.F. a 24 de junio de 2005.

Sr. Donald Abelson
Chief, International Bureau
Federal Communications Commission
445 Calle 12, S.O.
Washington, D.C. 20554
Estados Unidos de América

Ref.: **EchoStar Satellite L.L.C. --- Posición Orbital Mexicana 77° Oeste**
Expediente FCC Nos. SAT-STA-20050321-00068 y SES-MFS-20050527-00662

En alcance a la carta suscrita por los señores Jorge Alvarez Hoth, Subsecretario de Comunicaciones y Jorge Arredondo Martínez, Presidente de la Comisión Federal de Telecomunicaciones de fecha 9 de junio de 2005 dirigida al señor Kevin J. Martin, Presidente de la Federal Communications Commission y con relación a la reubicación del satélite EchoStar-4 en la posición orbital 77° O asignada a México, nos permitimos informar a Usted lo siguiente a efecto de lograr un acuerdo común de manera informal relacionado con ciertos aspectos técnicos involucrados en la operación del satélite conocido como EchoStar-4 para la provisión del Servicio de Radiodifusión por Satélite ("SRS") y del Servicio Fijo por Satélite ("SFS") por el concesionario mexicano Quetzsat, S. de R.L. de C.V. ("Quetzsat"), de conformidad con el título de concesión otorgado por esta Secretaría de Comunicaciones y Transportes ("SCT") de fecha 2 de febrero de 2005 (el Título de Concesión), así como con los acuerdos comerciales entre las empresas involucradas EchoStar Satellite, LLC ("EchoStar") y SES Global Latin America, S.A. ("SES") de fechas 17 de noviembre de 2004 y 13 de mayo de 2005.

De conformidad con nuestra regulación, el Título de Concesión otorgado a Quetzsat le permite ocupar, operar y explotar la posición orbital 77° O y consecuentemente le permite hacer disponible su capacidad satelital a cualquier persona física o moral que esté debidamente autorizada para recibir servicios, ya sean públicos o privados. El Título de Concesión aplica a la ocupación de la posición orbital y al uso de las bandas de frecuencias asociadas, sin hacer una referencia específica a la estación espacial que se coloque en la respectiva posición orbital. Esto aplica tanto para el SRS como para el SFS, en el entendido que tal concesión no está vinculada a un satélite en particular en la posición orbital 77° O, lo cual permite a Quetzsat reemplazar el satélite asignado de tiempo en tiempo según sus necesidades tanto comerciales como tecnológicas.

Tal y como quedó establecido en el Título de Concesión, y de conformidad con lo establecido en las disposiciones aplicables del Reglamento de Radiocomunicaciones de la UIT (RR), una estación espacial ubicada en la posición 77° O operando de conformidad con el Plan de Radiodifusión para la Región 2, podrá ser utilizada también para transmisiones del Servicio Fijo por Satélite. En este sentido, el Título de Concesión, así como la regulación mexicana aplicable, le permiten a Quetzsat

Mexico, D.F. June 24, 2005.

Sr. Donald Abelson
Chief International Bureau
Federal Communications Commission
445 12 St, SW
Washington, D.C. 20554
United States of America

**Ref.: EchoStar Satellite L.L.C. --- Mexican Orbital Position 77° West
File FCC Nos. SAT-STA-20050321-00068 and SES-MFS-20050527-00662**

Following up the letter signed by Mr. Jorge Alvarez Hoth, Subsecretario de Comunicaciones and Mr. Jorge Arredondo Martinez, Presidente de la Comision Federal de Telecomunicaciones dated June 9, 2005 addressed to Mr. Kevin J. Martin, Chairman of the Federal Communications Commission and related to the relocation of the EchoStar-4 satellite at the 77° W orbital position assigned to Mexico, we would like to inform the following in order to reach an informal common understanding concerning certain technical issues involved in the operation of the satellite known as EchoStar-4 for the provision of Broadcast Satellite Services ("BSS") and Fixed Satellite Services ("FSS") by the Mexican concessionaire Quetzsat, S. de R.L. de C.V. ("Quetzsat") in accordance with the title of concession granted by this Secretaria de Comunicaciones y Transportes ("SCT") issued on February 2, 2005 (the Title of Concession), as well as with the commercial agreements between the parties involved EchoStar Satellite, LLC ("EchoStar") and SES Global Latin America, S.A. ("SES") dated November 17, 2004 and May 13, 2005.

According to our regulation, the Title of Concession granted to Quetzsat allows them to occupy, operate and exploit the 77° W orbital position and consequently allows them to make available their satellite capacity to any person or company who is duly authorized to receive the services, either public or private. The Title of Concession applies to the orbital position and to the use of the associated frequency bands, without making a specific reference to the space station that is located in such orbital position. All this applies to both, the BSS and the FSS, in the understanding that this concession is not attached to a particular satellite at the 77° W orbital position, which allows Quetzsat to replace the satellite being used from time to time according to their commercial and technological needs.

As it is established in the Title of Concession, and according to the applicable provisions of the ITU Radio Regulations ("RR"), any space station located at the 77° W position operating in conformity with the Broadcasting Plan for Region 2, may also be used for transmissions in the FSS. Therefore, the Title of Concession, as well as the applicable Mexican regulation, allows Quetzsat to offer its satellite

capacity to any person authorized by the SCT, for both BSS and FSS, including Direct-to-Home Services ("DTH").

For the case of BSS and DTH, the company Quetzsat Directo S. de R.L. de C.V. ("Quetzsat Directo"), an affiliate of Quetzsat, has requested to the SCT the corresponding concession to install, operate and exploit a public telecommunications network for the provision of such services. At this time, the application submitted by Quetzsat Directo is going through the analysis process at the Federal Telecommunications Commission, which once concluded will allow the SCT to grant the corresponding concession.

Notwithstanding, for the case of FSS Quetzsat could at any time now, offer its satellite capacity to a considerable number of entities in Mexico, either that they have a concession for a public telecommunications network to offer FSS to the public, or that they have a permit to install and operate transmitting earth stations of the FSS for private use. Hence, Quetzsat could now provide its services for satellite capacity to a number of potential customers who are already authorized by the SCT to receive such services.

Additionally, as you know, the 77° W orbital position concession granted to Quetzsat was at its proper time coordinated by the Mexican Government before the International Telecommunications Union ("ITU") including the national administrations that were identified as affected, according with the valid procedures established by the RR. This procedure, once concluded, allows the operation of the satellite network to provide radiocommunication services free from harmful interference to other systems and networks.

It is worth mentioning, that the Mexican Administration started the procedure for modification of the Broadcasting Plan for Region 2 concerning the 78° W orbital position initially assigned to Mexico, such that this position would be relocated to the current position at 77° W and that its coverage would be extended to the whole Mexican territory, as well as the continental United States territory. Such modification filing was identified as the MEX-TDH1 satellite network. Afterwards, and with the aim to give continuity to the process, the Mexican Administration submitted before the ITU a new modification filing which was identified as the MEX-TVD satellite network, having the same characteristics as the initial filing MEX-TDH1.

Being Mexico the "Notifying Administration" for the MEX-TDH1 network (MEX-TDH1A and MEX-TDH1B) according to the coordination and notification procedures as per Articles 9 and 11 of the RR, the Mexican Administration takes full responsibility for the operation of such network at such orbital position using the allocated frequency bands for such use, those characteristics in our case reflect the broadcasting plan established in the Appendices 30 and 30A of the ITU RR. Notwithstanding the above mentioned, in conformity with the commercial contracts between the parties and referred in the first paragraph of this setter, in a preliminary stage, the tracking, telemetry and control ("TT&C") operations will be done under common agreement between EchoStar and Quetzsat.

The conditions defined in the title of concession granted to Quetzsat are strict with non declinable obligations for the concessionaire. This means, that by means of this concession the Mexican Government obliges Quetzsat to operate a satellite at the 77° W orbital position, in conformity with the agreements taken before the ITU, as well as before the governments of other countries. This legal

document is the specific one that links the Mexican Government with a private entity such as Quetzsat and allows the government to take the responsibility of the Mexican Government for the operation of a satellite in an orbital position assigned to Mexico.

Additionally, our administration will notify in an informal way to the Committee on the Peaceful Uses of Outer Space (COPUOS), specialized organization of the United Nations –UN-, by means of what is known as "nota verbale" about the operation of the EchoStar-4 satellite from a Mexican position, in the same way we made with other satellites occupying Mexican positions. The formal registration process for space objects will not be carried out before COPOUS given that it is of our knowledge that the US Administration will keep the registry of such satellite before COPUOS.

Finally, we express our appreciation for the support your administration is giving to the referred topic for its timely solution, we reiterate our distinguished considerations.

Yours sincerely,

Ing. Leonel López Celaya
Director General de Política de
Telecomunicaciones de la
Secretaría de Comunicaciones y
Transportes

Ing. Fernando Carrillo Valderrábano
Director General de Organismos de
Regulación Internacional de la
Comisión Federal de Telecomunicaciones

c.c.p.: Sr. David Gross-US Department of State, Bureau of Economic and Business Affairs (EB/CIP)
Sr. Kevin J. Martin-Chairman FCC
Sra. Kathleen Q. Abernathy-Commissioner FCC
Sr. Michael J. Coops-Commissioner FCC
Sr. Jonathan S. Adelstein-Commissioner FCC
Sra. Marlene H. Dortch-Secretary FCC
Sr. Tom Tycz-Chief Satellite Division, International Bureau FCC
Sr. Jorge Alvarez Hoth-Subsecretario de Comunicaciones SCT
Sr. Jorge Arredondo Martínez-Presidente COFETEL