

S2641 SAT-MOD-20091009-00109
DIRECTV Enterprises, LLC

File # SAT-MOD-20091009-00109

Call Sign S2641 Grant Date 02/26/10

(or other identifier) Term Dates

From 02/26/10 To:

Approved: Stephen J. Duall
Stephen J. Duall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678



Date & Time Filed: Oct 9 2009 11:40:24:800AM
File Number: SAT-MOD-20091009-00109

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY
FCC Use Only

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
MOD-D10-move to 102.815 WL w/ stationkeeping at 0.025 degree tolerance

1-8. Legal Name of Applicant

Name:	DIRECTV Enterprises, LLC	Phone Number:	301-663-0053
DBA Name:		Fax Number:	
Street:	2230 E. Imperial Hwy CA/LAI/N340	E-Mail:	jwengryniuk@directv.com
City:	El Segundo	State:	CA
Country:	USA	Zipcode:	90245
Attention:	Jack Wengryniuk		

Attachment to Grant
IBFS File No. SAT-MOD-20091009-00109
Call Sign: S2641

The request of DIRECTV Enterprises, LLC (DIRECTV) for a modification of its authorization, File No. SAT-MOD-20091009-00109, is granted. Accordingly, DIRECTV is authorized to operate its Fixed-Satellite-Service (FSS) Ka-band space station, DIRECTV 10 (Call Sign S2641), at the 102.815° W.L. in the 18.3-18.8 GHz (space-to-Earth) and 28.35-28.60 / 29.25-29.50 GHz (Earth-to-space) frequency bands. This authorization is granted in accordance with the terms, conditions, and technical specifications set forth in DIRECTV's application, the Commission's rules, and the following conditions

1. DIRECTV must coordinate all of its Ka-band downlink operations with Federal fixed-satellite systems, both geostationary and non-geostationary, in accordance with footnote US334 to the Table of Frequency Allocations, 47 C.F.R. §2.106. Absent a coordination agreement pursuant to footnote US334, DIRECTV shall operate its Ka-band downlinks on a non-harmful interference basis with regards to Federal systems in the 18.3-18.8 and 19.7-20.2 GHz bands and must terminate its Ka-band downlink operations immediately in the event that such operations cause harmful interference into operating Federal systems. In addition, DIRECTV must accept interference from such systems absent a coordinating agreement pursuant to footnote US334.
2. DIRECTV must maintain the DIRECTV 10 space station at 102.815 ° W.L. with a +/- 0.025 ° longitudinal stationkeeping. *See* 47 C.F.R. § 25.210(j).
3. Other than the change in orbital location of the DIRECTV 10 satellite from 102.775° W.L. to 102.815 ° W.L. the conditions of DIRECTV's existing authorization for the DIRECTV 10 space station remain unchanged.¹
4. DIRECTV is afforded thirty days from the date of this action to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.
5. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.



File # SAT-MOD-20091009-00109
Call Sign S2641 Grant Date 02/26/10
(or other identifier)
Term Dates
From 02/26/10 To: _____
Approved: Stephen J. Duall
Stephen J. Duall

¹ IBFS File No. SAT-LOA-20040909-00169, grant stamp dated March 8, 2005. *See* Federal Communications Commission, International Bureau, Policy Branch Information, Actions Taken, Public Notice, Report No. ST-00278 (March 11, 2005). *See also* IBFS File No. SAT-MOD-20070626-00086, grant stamp dated December 17, 2007 (existing conditions of authorization remains unchanged).

9-16. Name of Contact Representative

Name:	William M. Wiltshire	Phone Number:	202-730-1350
Company:	Wiltshire & Grannis LLP	Fax Number:	202-730-1301
Street:	1200 18th Street, NW	E-Mail:	wwiltshire@wiltshiregrannis.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036-
Attention:	William M. Wiltshire	Relationship:	Legal Counsel

CLASSIFICATION OF FILING

<p>17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.</p> <p><input type="radio"/> a1. Earth Station</p> <p><input checked="" type="radio"/> a2. Space Station</p>	<p>(N/A) b1. Application for License of New Station (N/A) b2. Application for Registration of New Domestic Receive-Only Station</p> <p><input type="radio"/> b3. Amendment to a Pending Application</p> <p><input checked="" type="radio"/> b4. Modification of License or Registration</p> <p>b5. Assignment of License or Registration</p> <p>b6. Transfer of Control of License or Registration</p> <p><input type="radio"/> b7. Notification of Minor Modification</p> <p>(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite</p> <p>(N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States</p> <p>(N/A) b10. Other (Please specify)</p> <p>(N/A) b11. Application for Earth Station to Access a Non-U.S. satellite Not Currently Authorized to Provide the Proposed Service in the Proposed Frequencies in the United States</p> <p>(N/A) b12. Application for Database Entry</p> <p><input type="radio"/> b13. Amendment to a Pending Database Entry Application</p> <p><input checked="" type="radio"/> b14. Modification of Database Entry</p>
<p>17c. Is a fee submitted with this application?</p> <p><input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).</p> <p><input type="radio"/> Governmental Entity</p> <p><input type="radio"/> Noncommercial educational licensee</p> <p><input type="radio"/> Other (please explain):</p>	
<p>17d.</p> <p>Fee Classification BFY – Space Station Modification (Geostationary)</p>	

24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s).

a. C-Band (4/6 GHz) b. Ku-Band (12/14 GHz)

c. Other (Please specify upper and lower frequencies in MHz.) (Please specify additional frequencies in an attachment)

Frequency Lower: 18300 Frequency Upper: 29500

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

a. Fixed Earth Station

b. Temporary-Fixed Earth Station

c. 12/14 GHz VSAT Network

d. Mobile Earth Station

e. Geostationary Space Station

f. Non-Geostationary Space Station

g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY:

Transmit/Receive Transmit-Only Receive-Only N/A

"For Space Station applications, select N/A."

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an 'X' in the box(es) next to all that apply.)

- a --- authorization to add new emission designator and related service
- b --- authorization to change emission designator and related service
- c --- authorization to increase EIRP and EIRP density
- d --- authorization to replace antenna
- e --- authorization to add antenna
- f --- authorization to relocate fixed station
- g --- authorization to change frequency(ies)
- h --- authorization to add frequency
- i --- authorization to add Points of Communication (satellites & countries)
- j --- authorization to change Points of Communication (satellites & countries)
- k --- authorization for facilities for which environmental assessment and radiation hazard reporting is required
- l --- authorization to change orbit location
- m --- authorization to perform fleet management
- n --- authorization to extend milestones
- o --- Other (Please specify)

ENVIRONMENTAL POLICY

<p>28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
---	--

ALIEN OWNERSHIP Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30–34.

<p>29. Is the applicant a foreign government or the representative of any foreign government?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
---	--

<p>30. Is the applicant an alien or the representative of an alien?</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A</p>
---	--

<p>31. Is the applicant a corporation organized under the laws of any foreign government?</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A</p>
---	--

<p>32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A</p>
--	--

<p>33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A</p>
<p>34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.</p>	

BASIC QUALIFICATIONS

<p>35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>

<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p style="text-align: right;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<p style="text-align: right;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<p style="text-align: right;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
<p>40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.</p>	

<p>41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of &quot;party to the application&quot;; for these purposes.</p>	<p style="text-align: right;">Yes <input checked="" type="radio"/> No <input type="radio"/></p>
<p>42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.</p>	<p style="text-align: right;">Yes <input type="radio"/> No <input checked="" type="radio"/></p>
<p>42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?</p>	
<p>43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>DIRECTV Enterprises, LLC requests authority to relocate its DIRECTV 10 space station to the 102.815 WL orbital location, and stationkeep it at a .025 degree tolerance. See Exhibit A.</p> </div> <p>Exhibit A</p>	

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

C

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing
James Butterworth

46. Title of Person Signing
Senior Vice President

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember – You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0678.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

APPLICATION FOR MINOR MODIFICATION

DIRECTV Enterprises, LLC (“DIRECTV”) hereby requests that the Commission modify its license to authorize a slight adjustment to the location of DIRECTV 10, a geostationary Ka-band satellite, in order to accommodate the impending launch of DIRECTV12, a third Ka-band satellite proposed to operate at the nominal 103° W.L. orbital location.¹ Specifically, DIRECTV requests that, conditioned upon successful launch of DIRECTV 12,² DIRECTV 10 be allowed to relocate from its current position at 102.775° W.L.³ to 102.815° W.L., where it would be operated with a reduced station keeping tolerance of $\pm 0.025^\circ$. Because moving the satellite only 0.04° will have a *de minimis* affect on its operations, including predicted gain contours and sample link budgets, revised contours and budgets have not been submitted. In accordance with Section 25.117(d)(1) of the Commission’s rules, DIRECTV hereby certifies that the remaining information in its station license and associated application has not changed.

By slightly relocating its satellites at this orbital location and operating with a more restrictive station keeping tolerance, DIRECTV will ensure that their station keeping volumes will not overlap with each other or any other satellite (including AMC-1 at 103° W.L.). This proposal will therefore advance the Commission’s goal of decreasing the risk of in-orbit collision between space stations⁴ and also enhance the efficiency with which orbital resources are used. Moreover, DIRECTV’s proposal will achieve this benefit without causing harmful interference to any other operator. The only Ka-band satellites that operate within two degrees of the affected orbital position are also licensed to DIRECTV (DIRECTV 8 at 100.85° W.L. and DIRECTV 9S at 101.1° W.L.), and DIRECTV anticipates no difficulties in self-coordinating operations within its fleet. The next nearest authorized Ka-band satellite is located 2.235° away (AMC-15 at 105.05° W.L.). Accordingly, the requested modification will have no material effect on any other satellite operator.

For these reasons, DIRECTV submits that grant of the proposed minor modification request would serve the public interest and respectfully requests that the Commission expeditiously grant this request.

¹ See IBFS File No. SAT-LOA-20070807-00086 (proposing to operate DIRECTV 12 at 102.765° W.L.). DIRECTV is concurrently filing an application to modify the SPACEWAY 1 authorization to operate at 102.925° W.L., and proposes to operate all three of its satellites at this location with $\pm 0.025^\circ$ station keeping tolerance.

² Launch of DIRECTV 12 is currently scheduled for the end of this year. If that launch is not successful, DIRECTV would not relocate DIRECTV 10 as proposed in this application.

³ See IBFS File No. SAT-MOD-20070626-00086 (granted Dec. 17, 2007).

⁴ See, e.g., *Mitigation of Orbital Debris*, 19 FCC Rcd. 11567, 11588 (2004) (adopting requirements for GSO applicants to assess and coordinate station keeping volumes of any known satellites located at, or reasonably expected to be located at, a requested orbital location).