



Federal Communications Commission
Washington, DC 20554

International Bureau

January 13, 2011

David Wilson, President
Spectrum Five LLC
1776 K Street, NW
Suite 200
Washington, DC 20006

Re: Spectrum Five LLC
IBFS File No. SAT-MOD-20101126-00245
Call Signs S2667 and S2668

Dear Mr. Wilson:

This letter requests additional information concerning the above-referenced application filed by Spectrum Five LLC (Spectrum Five).

On November 29, 2006, the International Bureau granted Spectrum Five authority to access the United States from two satellites to be located at the 114.5° W.L. orbital location. The market access grant requires Spectrum Five, among other things, to enter into a binding non-contingent contract to construct the satellites by November 29, 2007, to complete critical design review (CDR) by November 29, 2008, and to complete construction of the first satellite by November 29, 2010.¹ Failure to comply with these express terms of the grant may result in its cancellation.²

On November 28, 2007, Spectrum Five submitted a copy of its satellite construction contract executed with Space Systems/Loral. On November 25, 2008, Spectrum Five certified that it had completed CDR, without providing any supporting documentation.

On November 29, 2010, Spectrum filed the above-referenced application to extend or waive the milestone for completing construction of the first satellite. In the application, Spectrum Five asserts that it has proceeded diligently, but does not identify any specific satellite construction progress. Consequently, we request additional information concerning the degree of progress made on the construction of Spectrum Five's satellites. To this end, Spectrum Five should supplement the application by addressing the following:

Please state the status of construction of the Spectrum 1A and 1B satellites. Are Spectrum Five and Space Systems/Loral continuing to construct these satellites?

¹ Spectrum Five LLC, Petition for Declaratory Ruling to Serve the U.S. Market Using Broadcast Satellite Spectrum from the 114.5° W.L. Orbital Location, *Order and Authorization*, 21 FCC Rcd 14023 (2006) (*Spectrum Five Order*).

² See 47 C.F.R. § 25.148(b); Compass Systems, Inc. Application for Review of EchoStar Satellite Corporation Assignment of Direct Broadcast Satellite Orbital Position and Channels, *Memorandum Opinion and Order*, 19 FCC Rcd. 10078, 10081 n. 24 (2004).

Please provide the complete CDR package, including the documentation package prepared for payload subsystem CDR and the resulting CDR Report and Action Item list (preferably on CD-ROM).³

If construction is not continuing, on what date did construction halt? Has Spectrum Five negotiated with Space Systems/Loral, or any other manufacturer, to resume, at a later date, construction of DBS satellites designed to operate at the 114.5° W.L. orbital location, or to otherwise dispose of any purchased or fabricated hardware?

If construction is continuing, what payments have been made pursuant to the satellite construction contract submitted on November 28, 2007? Please identify -- with specific reference to the payment plan in Exhibit E to the contract -- which contract milestone(s) were completed and what payments were made.

If the construction contract submitted to the Commission on November 28, 2007 was amended, please submit a complete copy of the current version of the contract, and a listing of the items that changed between the version previously submitted and the current version.

Spectrum Five's response must be filed with the Secretary of the Commission no later than 30 calendar days from the date of this letter, with a courtesy copy to Mark Young of my staff. Failure to respond by the specified date may result in dismissal of the application for extension or waiver.⁴ Please contact Mr. Young at (202) 418-0762 if you have any questions.

Sincerely,



Robert G. Nelson
Chief, Satellite Division

³ See The International Bureau Provides Guidance Concerning the Critical Design Review Milestone Requirement, *Public Notice*, Report No. SPB-204, DA 04-787 (rel. Mar. 25, 2004).

⁴ 45 C.F.R. §§ 25.111(a) and 25.112(c).