

February 11, 2011

Mr. Robert G. Nelson  
Chief, Satellite Division, International Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

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

Dear Mr. Nelson:

Spectrum Five LLC (“Spectrum Five”) herein responds to the International Bureau’s (“Bureau”) January 13, 2011 letter requesting additional information concerning the above-referenced application in which Spectrum Five requests a declaratory ruling extending or waiving the interim construction milestone associated with its authorization to provide Direct Broadcast Satellite (“DBS”) service in the United States from a Netherlands-authorized “tweener” satellite network at 114.5° W.L. Please find below the Bureau’s questions in bold text and Spectrum Five’s responses.

**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 construction contract with Space Systems/Loral, which was submitted to the Commission on November 28, 2007, has been amended. Attachment A describes the modifications that have been made to the contract. A list of the contract sections that have changed from the original version of the contract is also included in Attachment A.<sup>1</sup>

**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).**

Spectrum Five filed a certification from Space Systems/Loral, Inc. attesting to completion of CDR on November 25, 2008.<sup>2</sup> Attachment B contains a copy of the CDR documents produced by Space Systems/Loral.<sup>3</sup>

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<sup>1</sup> Information about the changes and a copy of the contract provisions that have changed are being filed separately with a request for confidentiality.

<sup>2</sup> See Letter from Todd M. Stansbury to Marlene H. Dortch, CDR Milestone Compliance Showing; File Nos. SAT-LOI-20050312-00062 and SAT-LOI-20050312-00063, Call Signs S2667 and S2668 (filed Nov. 28, 2008).

<sup>3</sup> All CDR materials are being filed separately with a request for confidentiality.

**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?**

As noted above, Critical Design Review (“CDR”) for these satellites has been completed. Construction by Space Systems/Loral is currently suspended.

**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?**

For the reasons stated in the pending petition for declaratory ruling, construction of the satellites halted after completion of CDR, and Spectrum Five is finalizing funding to resume construction pursuant to the contract with Space Systems/Loral.

**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.**

Attachment C provides a list of the payments that have been made pursuant to the contract. As described in Attachment A, Spectrum Five and Space Systems/Loral amended Exhibit E to the contract on August 1, 2008. Spectrum Five has made payments for Milestone Numbers 1 through 9 of the amended Exhibit E.

Spectrum Five respectfully requests that the International Bureau promptly place its above-referenced request for extension or waiver of the interim construction milestone on public notice.<sup>4</sup> Prompt processing and grant of that pending request is the best means available to bring much-needed competition to the U.S. DBS market from a new entrant operating from a new orbital location.

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4 See 25 C.F.R. § 25.151.

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Please do not hesitate to contact the undersigned if you have any questions. Spectrum Five would welcome the opportunity to meet with Commission staff to discuss this important matter.

Respectfully submitted,

*/s/ David Wilson*

David Wilson  
President  
SPECTRUM FIVE

cc: Mark Young

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