

PAUL, WEISS, RIFKIND, WHARTON & GARRISON

1615 L STREET, NW
WASHINGTON, DC 20036-5694
TELEPHONE (202) 223-7300
FACSIMILE (202) 223-7420

LLOYD K. GARRISON (1946-1991)
RANDOLPH E. PAUL (1946-1956)
SIMON H. RIFKIND (1950-1995)
LOUIS S. WEISS (1927-1950)
JOHN F. WHARTON (1927-1977)

WRITER'S DIRECT DIAL NUMBER

202-223-7340

WRITER'S DIRECT FACSIMILE

202-223-7440

WRITER'S DIRECT E-MAIL ADDRESS

pspector@paulweiss.com

1285 AVENUE OF THE AMERICAS
NEW YORK, NY 10019-6064
TELEPHONE (212) 373-3000
FACSIMILE (212) 757-3990

62, RUE DU FAUBOURG SAINT-HONORÉ
75008 PARIS, FRANCE
TELEPHONE (33 1) 53 43 14 14
FACSIMILE (33 1) 53 43 00 23

FUKOKU SEIMEI BUILDING
2-2 UCHISAIWAICHO 2-CHOME
CHIYODA-KU, TOKYO 100-0011, JAPAN
TELEPHONE (81-3) 3597-8101
FACSIMILE (81-3) 3597-8120

2918 CHINA WORLD TOWER II
NO.1 JIANGUOMENWAI DAJIE
BEIJING, 100004
PEOPLE'S REPUBLIC OF CHINA
TELEPHONE (86-10) 6505-6822
FACSIMILE (86-10) 6505-6830

12TH FLOOR, HONG KONG CLUB BUILDING
3A CHATER ROAD, CENTRAL
HONG KONG
TELEPHONE (852) 2536-9933
FACSIMILE (852) 2536-9822

ALDER CASTLE
10 NOBLE STREET
LONDON EC2V 7JU, U.K.
TELEPHONE (44 20) 7367 1800
FACSIMILE (44 20) 7367 1650

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ROBERT E. MONTGOMERY, JR.
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THEODORE V. WELLS, JR.
STEVEN L. WOLFRAM*
LISA YANO*
JORDAN E. YARETT*
ALFRED D. YOUNGWOOD

*NOT AN ACTIVE MEMBER OF THE DC BAR.

December 2, 2002

BY HAND

Marlene H. Dortch
Secretary
Federal Communications Commission
445 - 12th St., S.W.
Washington, DC 20554

Re: SES AMERICOM, Inc., Petition for Declaratory Ruling
SAT-PDR-20020425-00071 (filed April 25, 2002)

Dear Ms. Dortch:

On behalf of SES AMERICOM, Inc. ("SES AMERICOM"), we hereby respond to an *ex parte* filing submitted by DIRECTV, Inc. ("DIRECTV") in the above-referenced docket.¹ The DIRECTV *Ex Parte* consists of materials presented to Bryan Tramont of the Chairman's office in a meeting on November 8, 2002, and addresses SES AMERICOM's Petition for Declaratory Ruling related to the USAT-S1 Direct Broadcast Satellite ("DBS") satellite, which will be used to provide the proposed "AMERICOM2Home" service platform.² Most of the DIRECTV *Ex Parte* consists of

¹ *Ex Parte* Notice, DIRECTV, Inc., File No. SAT-PDR-20020425-00071 (November 12, 2002) (the "DIRECTV *Ex Parte*").

² See *SES AMERICOM, Inc., Petition for Declaratory Ruling To Serve the U.S. Market Using BSS Spectrum from the 105.5° W.L. Orbital Location*, SAT-PDR-20020425-00071 (filed April 25, 2002) (the "SES AMERICOM Petition").

nature of the United Kingdom's USAT-S1 filing.⁹ In particular, an Argentine filing proposes a satellite with U.S. coverage seven degrees from the DIRECTV satellites at 101° W.L., and INTELSAT proposes a satellite with U.S. coverage less than six degrees from an EchoStar satellite at 61.5° W.L.

In any case, such filings do not "poison the arc" for existing and future U.S. satellites. As SES AMERICOM has explained in this proceeding, the U.S. BSS Plan assignments are protected via the priority provisions and coordination requirements contained in the ITU Radio Regulations governing the BSS Plans.¹⁰

DIRECTV also speculated that "SES AMERICOM's apparent strategy is to use USAT-S1's ITU date priority to force the US to coordinate its later-filed modification, and in the process negotiate the use of USAT-S1 MOD-A's transmit beam."¹¹ DIRECTV suggested that there is no other reason for the USAT-S1 MOD-A filing.¹²

As SES AMERICOM has explained, however, the USAT-S1 MOD-A filing was developed to permit coordination of coverage of Alaska and Hawaii, to the extent feasible. Moreover, since coordination and spectrum efficiency are generally optimized between satellites with homogeneous performance and coverage, coordination may well be facilitated by tailoring the coverage patterns more closely to those of U.S. DBS systems.¹³ In particular, the additional flexibility introduced by the later filing may help to address DIRECTV's concerns about constraints on its future systems to protect USAT-S1.¹⁴ Discussions with DIRECTV (and EchoStar) are essential, however, for exploring the possibilities that this filing brings for covering Alaska and Hawaii and for facilitating coordination.¹⁵ It should be noted that SES AMERICOM made several attempts to meet with DIRECTV even prior to the MOD-A

⁹ See ARGSAAT-A at 94° W.L.; CAN-BSS1 at 82° W.L.; CAN-BSS2 at 91° W.L.; CANBSS2 at 91° W.L.; CAN-BSS3A at 72.7° W.L.; CAN-BSS3B at 72.3° W.L.; CAN-BSS4A at 129.2° W.L.; CAN-BSS4B at 128.8° W.L.; CAN-BSS5 at 138° W.L.; INTELSAT KUEXT 304E at 56° W.L.; INTELSAT KUEXT304.5E at 55.5° W.L.; INTELSAT KUEXT 310E at 50° W.L.; MEX-TDH2 at 69.2° W.L.; and MEX-TDH1A at 77° W.L. All of these modification filings were made prior to the United Kingdom's USAT-S1 filing.

¹⁰ See, e.g., SES AMERICOM Reply at 8.

¹¹ DIRECTV *Ex Parte* at 8.

¹² *Id.*

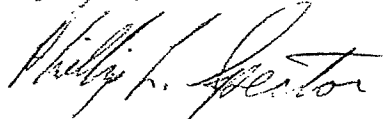
¹³ See SES AMERICOM Reply at 11, n. 36; SES AMERICOM Abelson Letter at 4, n.19.

¹⁴ See SES AMERICOM Reply at 11, n.36.

¹⁵ See SES AMERICOM Abelson Letter at 4, n.19.

Finally, DIRECTV claimed that "SES AMERICOM *does not* have a satellite license for USAT-S1."²⁴ As SES AMERICOM has explained, SES AMERICOM, through its subsidiary SES Satellites (Gibraltar) Ltd., does have the necessary approval from Gibraltar to employ the orbital location and frequencies for USAT-S1, as specified in the SES AMERICOM Petition.²⁵ The significance of the Gibraltar license has been explained in two letters to the Commission from the Gibraltar Regulatory Authority.²⁶ These documents demonstrate that the Gibraltar license fully satisfies the Commission's rules for U.S. market entry.

Respectfully submitted,



Phillip L. Spector
Attorney for SES AMERICOM, Inc.

cc: Bryan Tramont
Office of the Chairman

Donald Abelson
Thomas Tycz
International Bureau

James Barker, Esq.
Attorney for DIRECTV

Pantelis Michalopoulos, Esq.
Attorney for EchoStar

²⁴ DIRECTV *Ex Parte* at 2.

²⁵ See SES AMERICOM Petition at 19-21; SES AMERICOM Reply at 37-42; SES AMERICOM Abelson Letter at 3.

²⁶ See Letters to Donald Abelson, Chief, International Bureau, Federal Communications Commission, from Paul J. Canessa, Chief Executive, Gibraltar Regulatory Authority (April 22, June 25, 2002).