

EX PARTE OR LATE FILED
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June 7, 2006

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BY HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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JUN - 7 2006

Federal Communications Commission
Office of Secretary

Re: Notice of Ex Parte Presentation, Report No. SPB-196;
File No. SAT-PDR-20020425-00071

Dear Ms. Dortch:

On June 6, Nancy Eskenazi of SES Americom and I met with Emily Willeford, Advisor to Chairman Martin, Bruce Gottlieb, Legal Advisor to Commissioner Copps, Barry Ohlson, Senior Legal Advisor to Commissioner Adelstein, Aaron Goldberger, Legal Advisor to Commissioner Tate, and Angela Giancarlo, Legal Advisor to Commissioner McDowell, to discuss matters relating to the above-referenced proceedings. The attached document, which was distributed at the meetings, formed the basis for the discussions.

Please direct any questions regarding this submission to the undersigned.

Respectfully submitted,



Karis A. Hastings
Counsel for SES Americom, Inc.

Attachment

cc: Emily Willeford
Bruce Gottlieb
Barry Ohlson
Aaron Goldberger
Angela Giancarlo

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**THE COMMISSION SHOULD ACT TO FACILITATE
MARKET ACCESS BY NEW DBS COMPETITORS**

- **No obstacle exists to grant of SES Americom's 4-year-old petition to serve U.S. consumers from a DBS satellite at 105.5° W.L.**
 - There is no FCC rule or policy requiring nine-degree spacing of DBS satellites.
 - SES Americom has shown that introduction of new DBS services from 105.5° W.L. is technically feasible.
 - ITU coordination procedures, which have been incorporated in the FCC's rules, ensure protection of existing DBS systems.
 - The FCC expressly declined to impose any other technical requirements in anticipation of requests to serve the U.S. from DBS slots at less than nine-degree spacing.
- **Consumers will benefit from the introduction of new sources of DBS capacity.**
 - Allowing service to be provided from new DBS orbital locations will significantly enhance spectrum efficiency and multiply the amount of available capacity.
 - Additional capacity is needed to meet demand for local-into-local services and HDTV channels.
 - Other possible sources of spectrum for direct-to-consumer services, such as Ka-band DBS and increased use of standard Ku-band capacity, can provide incremental capacity for existing DBS systems, but do not represent sufficient capacity for new standalone DBS competitors.
- **The coordination process has significant advantages over adoption of one-size-fits-all rules.**
 - The Commission has never adopted a spacing policy for DBS operations, and there is no justification for doing so now.
 - Coordination permits tailored consideration of the geographic coverage, power levels, dish sizes, and other parameters of adjacent operations at a given position.
 - Reliance on coordination instead of rulemaking to permit short-spaced operations provides critical flexibility to accommodate technical innovations and new service offerings.
- **Any rules proposed by the Commission concerning short-spaced DBS systems should address only basic technical parameters for operation.**
 - Appropriate areas for regulation would include: antenna pointing accuracy (0.5 degrees, as proposed by DirecTV), adoption of an off-axis gain pattern, development of a methodology for calculating composite aggregate interference, criteria for spot beam edge of coverage, recognition of effects of frequency or polarization offsets, and limitations on flexibility to relocate satellites within a DBS cluster.

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