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Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

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Federal Communications Commission  
Office of Secretary

Policy Branch  
International Bureau

Re: DIRECTV Enterprises, LLC – *Ex Parte Communication*  
SAT-RPL-20050322-00070  
SAT-MOD-20050513-00100  
SAT-MOD-20050513-00101

Dear Ms. Dortch:

DIRECTV Enterprises, LLC (“DIRECTV”) has filed the above referenced applications for authority to locate two satellites, DIRECTV 8 and DIRECTV 9S, at the nominal 101° W.L. orbital location. Mobile Satellite Ventures Subsidiary LLC (“MSV”) filed Comments on those applications in which it: (1) noted congestion at this orbital location due to the number of satellites operating there, (2) noted that DIRECTV and MSV have held productive initial conversations regarding the physical arrangement of their respective satellites at this slot, but have not yet come to a comprehensive agreement, and (3) requested that the Bureau condition grant of DIRECTV’s applications on successful coordination of its satellites at 101° W.L. with those of MSV at the same nominal location.<sup>1</sup>

While DIRECTV agrees that this orbital slot is congested, and has in fact discussed improving the current physical arrangement of the satellites at 101° W.L. with the other two operators that have satellites at this location (*i.e.*, MSV and SES Americom), we disagree with the third point above. No such condition on grant of DIRECTV’s applications is justified or required in this case. MSV cites no precedent in which the Commission has imposed such a condition, and DIRECTV is aware of none.

<sup>1</sup> See Comments of Mobile Satellite Ventures Subsidiary LLC, File Nos. SAT-RPL-20050322-00070, SAT-MOD-20050513-00100, and SAT-MOD-20050513-00101 (filed May 31, 2005).

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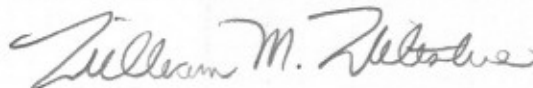
Marlene H. Dortch  
September 22, 2005  
Page 2

Moreover, because DIRECTV 8 and DIRECTV 9S will replace other DIRECTV satellites licensed to operate at 101° W.L., operation of these two satellites will not have any effect on congestion at this slot.<sup>2</sup> It is hard to understand how MSV's rights (whatever they may be) could be prejudiced by a substitution of new DIRECTV satellites for older ones that leaves the total number of its satellites at 101° W.L. unchanged.

DIRECTV notes that, although the Commission recently authorized MSV to launch its own next-generation satellite (MSV-1) to the nominal 101° W.L. location, that authorization did not include a coordination condition such as MSV has proposed here.<sup>3</sup> MSV has consistently characterized that satellite as a replacement for the AMSC-1 satellite currently operating at 101° W.L., which would then become an in-orbit spare and therefore could be moved out of the congested center of this cluster.<sup>4</sup> DIRECTV's replacement applications are no different in this respect, and therefore should not be subject to different treatment.

DIRECTV will continue to discuss possible improved physical arrangements for the satellites at the nominal 101° W.L. location, and remains hopeful that the affected parties can reach a consensus plan. However, it would be inappropriate to impose the condition MSV has proposed – one that would make such consensus a precondition to operation of DIRECTV's replacement satellites, and thereby give MSV unilateral veto rights. Such a condition finds absolutely no support in either the facts or Commission precedent, and should be rejected.

Sincerely yours,



William M. Wiltshire  
Counsel for DIRECTV Enterprises, LLC

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<sup>2</sup> Contrary to MSV's assertion that "DIRECTV does not specify a precise orbital location" for DIRECTV 9S (*see id.* at 2), the application clearly states that it will "replace the DIRECTV 1 satellite at the 101.125° W.L. orbital location." *See* Application, File No. SAT-RPL-20050322-00070, Exhibit D, at A-15. *See also id.* at A-18 (listing 101.125° W.L. as proposed orbital location).

<sup>3</sup> *See Mobile Satellite Ventures LLC*, 20 FCC Rcd. 9752 (Int'l Bur. 2005).

<sup>4</sup> *See, e.g.*, Amendment, File No. SAT-AMD-20040209-00014, at 1 ("MSV's replacement Mobile Satellite Service ('MSS') satellite ('MSV-1') will be located in the geostationary orbital arc at 101° W.L. . . . After the traffic is transferred, the first generation satellite will be used as an in orbit spare.").

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Marlene H. Dortch  
September 22, 2005  
Page 3

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