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May 24, 2004

BY HAND DELIVERY

Thomas Tycz
Chief, Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054

Re: *Proposed Use of Canadian BSS Slot at 72.5° W.L.
SAT-STA-20040107-00002*

Dear Mr. Tycz:

This letter responds to the question that arose during our May 13, 2004 meeting as to the relative priority of the Canadian BSS slot at 72.5° W.L. vis-à-vis the Mexican BSS slot at 77° W.L. as it relates to DIRECTV's proposal in the above-referenced proceeding. The facts are as follows.

On April 22, 1996, the Mexican administration submitted a proposed modification to the 77° W.L. orbital location allocated to it under the ITU's BSS Plan for Region 2, identified as MEX-TDH1. On April 26, 1996, the Canadian administration submitted a proposed modification to the 72.5° W.L. orbital location allocated to it under the ITU's BSS Plan for Region 2, identified as CAN-BSS3. Among other things, both of these filings proposed to modify the BSS Plan by extending their respective service areas into the continental United States.

Both modifications were published on August 21, 2001.¹ Under ITU rules, an administration affected by a proposed modification to the BSS plan has four months following the date of publication in which to comment on the proposal, with failure to comment being understood as agreement to the proposed assignment.² Both Mexico and Canada were affected by the other administration's proposed modification, yet neither

¹ See IFIC 2451 (Aug. 21, 2001).

² ITU Radio Regulations, Appendix 30, Section 4.3.12.

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commented on the other's filing within the allotted four-month period. Accordingly, at this point, neither Mexico nor Canada has standing to claim protection against operations in conformance with the modified parameters submitted by the other administration.

More recently, Canada filed another BSS modification proposal for the 72.5° W.L. orbital location (CAN-BSS6) on October 23, 2003, which anticipates higher power levels and more extensive coverage of the U.S. Mexico has also filed subsequent modification proposals for the BSS 77° W.L. orbital location (MEX-TVD1 and -TVD2) on October 31, 2003. Neither of these modifications has yet been published by the ITU.

Under the proposal at issue in this proceeding, the DIRECTV-5 satellite would be used to bring the CAN-BSS3 filing into use. DIRECTV's technical assessment is that DIRECTV-5 can operate at 72.5° W.L. within the envelope created by the CAN-BSS3 filing while providing local-into-local service in the 24 additional markets it has targeted in the United States. However, unless a BSS system that is entitled to protection comes into operation, DIRECTV plans to operate at levels that exceed those notified in the CAN-BSS3 filing on a non-harmful interference basis pursuant to Article 4.4 of the ITU Radio Regulations. These levels are fully enveloped by the CAN-BSS6 filing, and if necessary DIRECTV will be able to switch to the lower-power operations while maintaining the 24 additional markets without any service interruption to consumers.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,



William M. Wiltshire
Counsel for DIRECTV Enterprises, LLC

cc: Marlene H. Dortch, Secretary