

COPY

Before the
FEDERAL COMMUNICATIONS COMMISSION **RECEIVED**
Washington, D.C. 20554

AUG 26 2005

Federal Communications Commission
Office of Secretary

_____)	
<i>In the Matter of</i>)	
)	
ECHOSTAR SATELLITE L.L.C.)	File No. SAT-STA-20050321-00068
)	
Application for Special Temporary)	
Authority to Move EchoStar 4 to 77° W.L.)	
)	
Application for Blanket Authorization)	File No. SES-LFS-20050701-00852
Of 1,000,000 Receive-Only Earth Stations)	Call Sign: E050196
To Provide DBS Service in the U.S.)	
Using the Mexican-Authorized)	
EchoStar 4 Satellite at 77° W.L.)	
_____)	

Received
AUG 30 2005
Policy Branch
International Bureau

COMMENTS OF DIRECTV ENTERPRISES, LLC

DIRECTV Enterprises, LLC ("DIRECTV") hereby comments on the above referenced applications filed by EchoStar Satellite L.L.C. ("EchoStar") seeking authority to relocate the EchoStar 4 Direct Broadcast Satellite ("DBS") space station to 77° W.L. where it would provide service into the United States.¹

DIRECTV currently provides service to U.S. consumers in markets across the country from a DBS satellite operating under a Canadian authorization at the 72.5° W.L. orbital location² -- just 4.5 degrees away from the slot where EchoStar proposes to operate. As DIRECTV has demonstrated in other proceedings, DBS satellites operating on a co-coverage, co-frequency basis with such little orbital separation would cause harmful interference to DIRECTV's current

¹ On July 6, 2005, the Commission granted EchoStar's request for an STA to operate the EchoStar 4 satellite at the 77° W.L. orbital location under a U.S. authorization, pending action on the STA that is the subject of this proceeding. See FCC File No. SAT-STA-20050701-00142.

² See *DIRECTV Enterprises, LLC*, DA 05-1890 (Int'l Bur., rel. July 14, 2005).

services and place unacceptable limits on innovations in the future.³ However, neither DIRECTV's current satellite at 72.5° W.L. nor EchoStar's proposed satellite at 77° W.L. is capable of operating on all 32 available DBS channels at the same time. Indeed, EchoStar 4 is capable of operating on only six transponders.⁴ Furthermore, the footprint of EchoStar's beam is focused on Mexico and therefore places signals of limited power over most of the United States.

In these unique circumstances, DIRECTV believes that it may be possible to reach a short-term accommodation within the coverage and frequency constraints of these two particular satellites. To that end, DIRECTV has contacted EchoStar to explore such an arrangement. While the results of this contact so far are encouraging, the parties have not yet finalized an agreement that would protect service to DIRECTV's subscribers in the United States. If such an agreement is reached, DIRECTV would not object to grant of the specific applications in this proceeding.⁵

It is important to note that an agreement in the particular circumstances presented in this proceeding will not resolve DIRECTV's more general long-term concerns underlying the use of DBS slots separated by only 4.5 degrees. The use of a satellite at 77° W.L. capable of operating on more DBS frequencies with improved coverage of the United States would present an entirely different set of issues. Such issues, however, are not currently before the Commission in this proceeding, and accordingly this is not the appropriate time for comment. However, any

³ DIRECTV and its affiliates have made numerous filings in two other proceedings related to short-spaced BSS orbital locations – Rep. No. SPB-196 and FCC File No. SAT-PDR-20020425-00071.

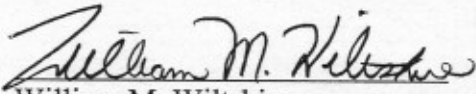
⁴ See EchoStar Communications Corporation, 2004 Annual Report Form 10-K, at 6 (filed Mar. 16, 2005) (noting that 38 of 44 transponders on the satellite have failed).

⁵ DIRECTV's service from 72.5° WL is being provided from a satellite licensed by Canada in an orbital location allocated to Canada under the ITU Region 2 BSS Plan. DIRECTV's efforts in this proceeding to reach a domestic accommodation with another U.S. operator for purposes of service into the U.S. on an interim basis should not be construed as affecting international rights with respect to this orbital location.

acquiescence in this proceeding should not be taken as a waiver of DIRECTV's right to comment further should EchoStar or any other party seek to modify the terms of market access from the 77° W.L. DBS orbital slot, and DIRECTV specifically reserves all of its rights in this regard.

Respectfully submitted,

DIRECTV ENTERPRISES, LLC

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August 26, 2005

CERTIFICATE OF SERVICE

I hereby certify that, on this 26th day of August, 2005, a copy of the foregoing
Comments of DIRECTV Enterprises, LLC was delivered by hand to:

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