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Federal Communications Commission
Office of Secretary

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November 10, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: DIRECTV Enterprises, LLC ("DIRECTV"), Request for Special Temporary Authority ("STA") to Relocate DIRECTV 2 to 91° W.L. and to Conduct Telemetry, Tracking and Command Operations for an Interim Period, File No. SAT-STA-20051018-00201

Dear Ms. Dortch:

Telesat Canada ("Telesat"), by its attorneys, respectfully requests that the Federal Communications Commission ("Commission") place the above-referenced item on public notice as soon as practicable and grant it as promptly as possible thereafter.¹

On October 18, 2005, DIRECTV requested STA to relocate the DIRECTV 2 satellite to the Canadian 91° W.L. Broadcast Satellite Service ("BSS") orbital location.² Under an arrangement between DIRECTV and Telesat, and subject to U.S. and Canadian regulatory approval, Telesat will use DIRECTV 2 to support BSS service into Canada.³

As enumerated below, important public interest considerations support prompt processing of DIRECTV's STA request. In fact, due to the pressing nature of these considerations, Telesat hopes to have DIRECTV 2 operational at 91° W.L. by January 1, 2006.

¹ To the extent necessary, Telesat respectfully requests leave to file this supplemental information.

² See DIRECTV Enterprises, LLC, Request for Special Temporary Authority to Relocate DIRECTV 2 to 91° W.L. and to Conduct Telemetry, Tracking and Command Operations for an Interim Period, File No. SAT-STA-20051018-00201 (filed Oct. 18, 2005) ("DIRECTV 2 STA Request").

³ DIRECTV 3 is currently co-located with Telesat's Nimiq 1 satellite at 91° W.L.; Nimiq 2 is located at 82° W.L.. See *Application of DIRECTV, Inc.*, Order, 19 FCC Rcd 11,055 (Int'l Bur. 2004) ("DIRECTV 3 Order"). If DIRECTV receives the requisite approvals, DIRECTV 3 will be moved to 82° W.L. and co-located with Nimiq 2. DIRECTV 2 will be co-located with Nimiq 1 at 91° W.L.. Part of the reason for not moving DIRECTV 2 directly to 82° W.L. relates to DIRECTV 2's short remaining fuel life.

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First, Telesat needs expedited access to DIRECTV 2 to address an increasing capacity shortage. As previously recognized by the Commission, supporting cooperation between U.S. and Canadian satellite operators in meeting capacity needs is an important public policy goal.⁴ Telesat's urgent capacity needs stem from a partial power failure on its Nimiq 2 satellite that has resulted in a reduction in the number of functioning transponders.⁵ Currently, Nimiq 2 only has 25 operational transponders and will continue to lose additional transponders each year due to power constraints. The prime power situation is particularly critical during eclipse seasons, when additional power is required for battery charging. The 2006 vernal eclipse begins in February.

Second, acting quickly on DIRECTV's STA request will ensure that valuable resources are used in an efficient manner. DIRECTV 2 was launched in 1994 and it is estimated that it will reach its end of fuel life at 91° W.L. in the first half of 2007. Placing DIRECTV's STA request on public notice and granting it promptly will ensure that this valuable resource provides service for as much of its short remaining life as possible.

Third, by commencing the comment period as soon as possible, the Commission will help provide improved services to Canadian BSS customers in a timely manner. The additional capacity provided by DIRECTV 2 will help Telesat's fleet of BSS satellites offer additional services including high-definition programming, while at the same time ensuring adequate backup for the degrading Nimiq 2.

Fourth, expedited treatment of DIRECTV's STA request, including grant by stamp following the public notice period, would be appropriate because this item does not present any new or novel regulatory issues. This STA request is virtually identical to the one the Commission granted last year authorizing the relocation of DIRECTV

⁴ See *DIRECTV 3 Order*; see also Letter of Nov. 7, 1972, from Mr. Bert W. Rein (U.S. Department of State) to the Honorable Kenneth B. Williams (Minister, Embassy of Canada, Washington D.C.).

⁵ See *DIRECTV 3 Order*, 19 FCC Rcd at 11,056 (¶ 3). A more detailed discussion of Telesat's Nimiq 2 power anomaly can be found in prior Telesat filings. See e.g. *DIRECTV, Inc., Request for Special Temporary Authority to Relocate DIRECTV 3 to 82° W.L. and to Conduct Telemetry, Tracking, and Command ("TTAC") Operations for an Interim Period*, SAT-STA-20030903-00300, *Opposition of Telesat Canada* (filed Nov. 12, 2003).

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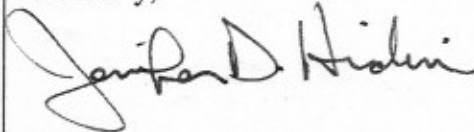
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3 to the Canadian 82° W.L. orbital location for the provision of BSS into Canada.⁶ In fact, quick processing of this STA request would be commensurate with the public policies motivating the Commission's adoption of its fleet management processing procedures.⁷ Those procedures allow U.S. operators to relocate a satellite between U.S.-licensed orbital locations upon 30 days prior notice to the Commission. While this STA request does not qualify for fleet management treatment because the 91° W.L. BSS orbital location is not licensed by the United States, it will not result in disruption of service to any customers and otherwise satisfies the *Fleet Management Order* requirements.⁸

Therefore, Telesat would greatly appreciate swift action in response to this STA request. Placing it on public notice and taking action by grant-stamp would help ensure that Telesat has adequate capacity to serve Canadian BSS consumers, minimize the effects of Nimiq 2's power degradation, and maximize the limited remaining usefulness of DIRECTV 2.

Should you have any questions about this filing, please contact the undersigned counsel for Telesat. Thank you.

Sincerely,



Jennifer D. Hindin

cc: Andrea Kelly, IB
Robert Nelson, IB
Scott Kotler, IB
William Wiltshire, Counsel for DIRECTV

⁶ Compare *DIRECTV 3 Order* with *DIRECTV 2 STA Request*.

⁷ See *Amendment of the Commission's Space Station Licensing Rules and Policies*, Second Report and Order, 18 FCC Rcd 12,507 (rel. June 20, 2003) ("*Fleet Management Order*"). See also, 47 C.F.R. § 25.118(e).

⁸ See 47 C.F.R. § 25.118(e).