

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

<i>In the Matter of</i>	)	
<b>DIRECTV ENTERPRISES, LLC</b>	)	File No. SAT-STA-20091202-00136
Request for Special Temporary Authority	)	Call Sign: S2796
For In-Orbit Testing of DIRECTV RB-2A	)	
At 76° W.L.	)	

**RESPONSE OF DIRECTV ENTERPRISES, LLC**

DIRECTV Enterprises, LLC (“DIRECTV”) hereby responds to the Opposition filed by Spectrum Five LLC (“Spectrum Five”) to its request for special temporary authority (“STA”) for in-orbit testing (“IOT”) of DIRECTV RB-2A at the 76° W.L. orbital location.<sup>1</sup> Spectrum Five contends that “there is no conceivable reason” why this STA should be granted, given that the Commission has not yet granted operating authority for DIRECTV RB-2A and there are no other 17/24 GHz BSS space stations in operation at any orbital location that would prevent testing at another location at a later date.<sup>2</sup> As discussed below, however, denying authority to test this payload now would ultimately result in disruption of Ka-band service for millions of DIRECTV subscribers – a result that manifestly would not serve the public interest. Conversely, granting the requested STA would avoid such disruption and would not result in harmful interference to any co-primary user of the relevant bands. Accordingly, the STA should be granted expeditiously.

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<sup>1</sup> Opposition of Spectrum Five LLC, IBFS File No. SAT-STA-20091202-00136 (Dec. 23, 2009) (“Opposition”).

<sup>2</sup> *Id.* at 1-2.

DIRECTV RB-2A, a 17/24 GHz BSS payload, is part of the DIRECTV 12 Ka-band satellite that was successfully launched on December 28, 2009.<sup>3</sup> DIRECTV has sought STAs for IOT of both the 17/24 GHz BSS and Ka-band communications payloads on the space station at the 76° W.L. orbital location.<sup>4</sup> During IOT of DIRECTV 12, the satellite will be biased (or oriented) such that each Ka-band beam will be successively positioned over DIRECTV's broadcast center located in Castle Rock, Colorado.<sup>5</sup> Similarly, in order to conduct IOT of DIRECTV RB-2A's spot beams, the satellite will have to be biased so that the beam being tested is positioned over DIRECTV's Northwest Uplink Facility ("NWUF") located in Moxee, Washington.<sup>6</sup>

Spectrum Five's Opposition implies that, because at present there are no other operational 17/24 GHz satellites, nothing would prevent DIRECTV from testing the DIRECTV RB-2A payload at a later date at its requested operational location of 103° W.L. rather than testing it now at 76° W.L.<sup>7</sup> This assertion overlooks the fact that, once the space station reaches the 103° W.L. orbital location, DIRECTV will immediately begin using the Ka-band payload to enhance its offering to subscribers with a 50% increase in HD capacity nationwide.<sup>8</sup> Needless to say, once that service has begun, DIRECTV would not be able to bias the satellite in the way

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<sup>3</sup> The International Bureau granted launch authority for DIRECTV RB-2A, but deferred a decision on operational authority. *See* Grant Stamp, IBFS File No. SAT-LOA-20090807-00085 (Int'l Bur., Dec. 15, 2009).

<sup>4</sup> *See* IBFS File No. SAT-STA-20091201-00132 (Ka-band IOT).

<sup>5</sup> *See* Letter from William M. Wiltshire to Marlene H. Dortch, IBFS File No. SAT-STA-20091201-00132, at 1 (Dec. 3, 2009).

<sup>6</sup> *See* Letter from William M. Wiltshire to Marlene H. Dortch, IBFS File No. SAT-STA-20091202-00136, at 1 (Dec. 17, 2009) ("December 17 Letter").

<sup>7</sup> Opposition at 2.

<sup>8</sup> DIRECTV has been granted operational authority for the DIRECTV 12 Ka-band payload at 103° W.L. *See* Grant Stamp, IBFS File No. SAT-LOA-20090807-00086 (Int'l Bur., Dec. 15, 2009).

necessary to place the DIRECTV RB-2A spot beams over the NWUF facility without disrupting service to millions of subscribers from its Ka-band payload – and thereby seriously prejudicing the public interest.<sup>9</sup> Accordingly, this case clearly presents the type of special circumstances that justify grant of the requested STA.<sup>10</sup>

Spectrum Five also notes the fact that IOT of DIRECTV RB-2A will involve short periods during which transmissions may exceed the applicable power flux-density (“PFD”) limit in Section 25.208(w)(3).<sup>11</sup> Although Spectrum Five apparently believes that this fact argues against grant of the STA, it does not explain why that should be the case. As DIRECTV pointed out – and Spectrum Five does not dispute – the sole purpose of the PFD limit in Section 25.208(w)(3) is to protect adjacent 17/24 GHz BSS systems from each other.<sup>12</sup> Since (as Spectrum Five’s Opposition confirms) there are no other 17/24 GHz BSS space stations at any orbital position with which DIRECTV RB-2A could interfere, a PFD exceedance for a minimal amount of time over a very limited geography will have no material effect whatsoever on any other party.

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<sup>9</sup> In addition, failure to test and confirm the performance characteristics of the 17/24 GHz BSS payload would complicate passage of title over the spacecraft from the manufacturer (Boeing) to DIRECTV.

<sup>10</sup> See 47 C.F.R. § 25.120(b)(1).

<sup>11</sup> Opposition at 2.

<sup>12</sup> See December 17 Letter at 2 (citing *Establishment of Policies and Service Rules for the Broadcasting Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Broadcasting Satellite Service Operating Bi-directionally in the 17.3-17.7 GHz Frequency Band*, 22 FCC Rcd. 8842, ¶¶ 97-101 (2007)).

Accordingly, the Commission should reject Spectrum Five's Opposition and grant the requested STA.

Respectfully submitted,

/s/

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William M. Wiltshire  
Michael D. Nilsson  
WILTSHIRE & GRANNIS LLP  
1200 Eighteenth Street, N.W.  
Washington, DC 20036  
202-730-1300  
*Counsel to DIRECTV Enterprises, LLC*

January 4, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 4th day of January 2010, a copy of the foregoing Response was served by hand delivery upon:

Howard W. Waltzman  
Adam C. Sloane  
Mayer Brown LLP  
1909 K Street, N.W.  
Washington, DC 20006

David Wilson  
President  
Spectrum Five LLC  
1776 K Street, N.W.  
Suite 200  
Washington, DC 20006

/s/  
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Meagan Lewis