

June 4, 2015

BY ELECTRONIC FILING

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

Re: *Ex Parte Presentation – IB Docket No. 12-267*

Dear Ms. Dortch:

On June 2, 2015, Jack Wengryniuk and undersigned counsel on behalf of DIRECTV, LLC met with Jose Albuquerque, Stephen Duall, Kerry Murray, Chip Fleming, Diane Garfield, and Clay DeCell of the Commission's International Bureau to discuss the above referenced proceeding. During the meeting, DIRECTV supplied the hand-out attached hereto, which generally summarizes the subjects of discussion.

In addition, DIRECTV confirmed its view that, if the Commission adopts a new mechanism for securing a place in the space station processing queue based on the filing of a Coordination Request ("CR/C") with the ITU, it should require the submission of a space station application within a fairly short period (*e.g.*, thirty days) after such a place is secured. Foreign licensed systems seeking access to the U.S. market would similarly be allowed to secure a place in the processing queue by filing a letter of intent noting the pending CR/C, and would similarly be required to disclose the specifics pursuant to Section 25.137 of the Commission's rules. If the Commission were instead to decide to allow a longer timeframe between securing a place in the queue and filing an associated application, it would need to impose a bond in order to deter warehousing during the interim period.

DIRECTV also recognized the value in allowing satellite operators that have coordinated favorable protection levels for their services to continue being able to provide such services in the manner their customers have come to expect. If the Commission were to implement such a regime, however, there must be a mechanism through which those interested in operating at nearby orbital locations could obtain timely and complete information on the constraints under which they would have to operate.

HARRIS, WILTSHIRE & GRANNIS LLP

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Respectfully submitted,

/s/

William M. Wiltshire
Counsel to DIRECTV, LLC

Attachment

cc: Jose Albuquerque
Stephen Duall
Kerry Murray
Chip Fleming
Diane Garfield
Clay DeCell

**DIRECTV'S COMMENTS ON COMPREHENSIVE REVIEW
OF THE LICENSING AND OPERATING RULES FOR SATELLITE SERVICES**

Space Station Applications and ITU Filings

- Parties should have their requested APIs submitted to the ITU as soon as possible after submission to the Commission, subject to the limitations set forth in Section 25.159 (where an API counts against the number of applications)
- The first party to submit an API to the Commission establishes a provisional place in the space station processing queue with respect to the covered frequency band(s) for orbital locations within ± 6 degrees of the orbital location specified in the API
- Filing a CR/C with the Commission within six months of the date the API is submitted to the ITU, and filing a related space station application with the Commission within 30 days thereafter, perfects place in the Commission's processing queue
 - Any period less than six months fails to address the "claim jumping" problem
- Since filing an API only gives a party provisional priority for a limited period, and does not block other APIs from being submitted, there is no need to impose a bond until the underlying application is granted
- Where an operator is granted a new authorization based on the representation that it will construct, launch, and operate a new space station, it should not thereafter be able to satisfy milestones by using an existing satellite rather than the new one, as promised
- ITU priority is not necessarily outcome determinative – just as U.S. licensees accept the risk of coordination, non-U.S. licensees accept the risk that market access will be denied

Two-Degree Spacing Policy

- DIRECTV agrees with the Commission's assessment that the two-degree spacing policy continues to be useful and eliminating it altogether would not serve the public interest
- However, the policy should not be extended to the Appendix 30B band
 - Protection for U.S. licensees would be compromised vis-à-vis foreign AP30B operators, and U.S. licensees would be subject to a back door through which operators could use the Commission's domestic licensing process to circumvent the protections of the international coordination regime
- A party with a later-granted license or authorization cannot require a previously-licensed operator to reduce power below previously coordinated levels, even if that service does not conform to the policy; but new entrant should be able to operate at two-degree levels
 - Not prepared to support a 3 dB increase without additional analysis