

June 23, 2015

BY ELECTRONIC FILING

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

Re: Notice of *Ex Parte* Communication in MB Docket No. 15-71

Dear Ms. Dortch:

In this proceeding, DIRECTV has suggested that satellite carriers could demonstrate the technical and economic infeasibility of carriage in a modified market by providing a certification related to spot-beam coverage. This, we believe, would satisfy any requirement that satellite carriers “substantiate” and the Commission “examine” the technical and economic infeasibility of spot-beam carriage in these areas, even though no such requirement appears in the statute itself.¹ DIRECTV has proposed providing such a certification to requesting broadcasters *before* they have to spend the time and money undertaking a market modification proceeding.

Attached to this letter please find a draft form certification that DIRECTV believes would be sufficient for such purposes. The draft certification explains in detail the process by which a satellite carrier has determined whether or not the spot beam in question covers the geographic area at issue. It also certifies that the satellite carrier has undertaken the analysis in the same manner that it analyzes the geographic area in which it currently offers stations carried on the spot beam. It would be issued under penalty of perjury, as contemplated under 28 U.S. Code § 1746 and 47 C.F.R. § 1.16.

Such a certification would be used to demonstrate technical infeasibility related to spot-beam coverage. Particular market modification requests might raise unusual technical issues or issues other than spot-beam coverage, and the satellite carriers would be able to demonstrate technical and economic infeasibility with respect to those issues in other manners. The draft form certification, however, should itself constitute a conclusive showing with respect to spot-beam coverage.

¹ Report from the Senate Committee on Commerce, Science, and Transportation accompanying S. 2799, 113th Cong., S. Rep. No. 113-322 at 11 (2014).

Respectfully submitted,

/s/

Michael Nilsson

Counsel to DIRECTV, LLC

cc (by email):

Mary Beth Murphy

Kalpak Gude

Steven Broeckaert

Ryan Brunner

Evan Baranoff

Sean Mirzadegan

Susan Aaron

Amalia Reiss

Chip Fleming

Form of Certification Regarding Spot Beam Coverage

1. My name is [name]. I am [title] at [Satellite Carrier]. As such, I am responsible for determining service areas for television stations carried on [Satellite Carrier's] spot beams.
2. [Satellite Carrier] has reviewed the request of [Television Station] to include [communities] in its local market. [Satellite Carrier] has analyzed, with respect to each zip code associated with this request, the expected performance against specific performance criteria. The following factors have been included in this analysis:
 - a. The measured performance of the spot beam covering [Television Station's] local market.
 - b. Estimated atmospheric effects for reception of the signal.
 - c. Estimated levels of interference.
 - d. The amount of capacity currently used, and reasonably expected to be used, on the spot beam.
 - e. The target availability figure used for all television stations offered on the spot beam.
3. From this analysis, [Satellite Carrier] has derived the following metrics, which it has used to evaluate the potential to provide service in the zip code(s) in question:
 - a. Signal availability.
 - b. Clear sky signal margin.
 - c. Total carrier-to-interference ratio.

4. [Satellite Carrier] has conducted this analysis in substantially the same manner and using substantially the same parameters used to determine the geographic area in which it currently offers stations carried on the spot beam.
5. Based on this analysis, [Satellite Carrier] cannot provide service to [all/some/the following] zip codes associated with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on [date]

[Signature]