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July 9, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Marlene H. Dortch
Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20054

Re: *ET Docket No. 98-206, RM-9147, RM-0245; Opposition of DIRECTV, Inc. to Petition for Reconsideration of Pegasus Broadband Corporation*

Dear Ms. Dortch:

On May 23, 2002, the Commission released its *Second Report and Order* in the above-referenced notice-and-comment rulemaking proceeding, which appeared in the Federal Register on June 26, 2002. As a general matter, because this order was released in a rulemaking proceeding, petitions for reconsideration are due 30 days from the order's publication in the Federal Register, *i.e.*, on July 26, 2002. See 47 C.F.R. §§ 1.429(d); 1.4(b)(1). After that date, the Commission will publish notice of the filing of the petitions for reconsideration in the Federal Register, and oppositions will be due 15 days after such publication. See 47 C.F.R. § 1.429(e), (f).

Pegasus Broadband Corporation ("Pegasus") has filed a petition for reconsideration of the *Second Report and Order* in advance of July 26, 2002, because the Commission took specific action therein dismissing pending Pegasus licensing applications to provide Multichannel Video Data and Distribution Service ("MVDDS"). See *Second Report and Order* at ¶¶ 214, 270. Because this action could be construed as an adjudicatory licensing decision contained in a rulemaking document, the Commission's computation of time rules suggest that reconsideration of this aspect of the *Second Report and Order* should be sought 30 days from the date of release of the *Second Report and Order* (May 23, 2002), rather than the date of Federal Register publication. See 47 C.F.R. §§ 1.4(b)(1) note, 1.4(b)(2). While it is not entirely clear from the

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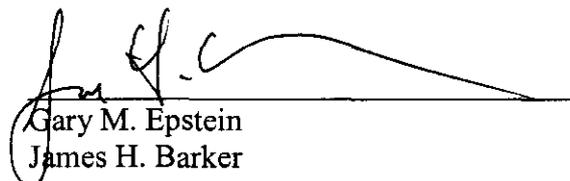
Commission's rules, oppositions to the Pegasus petition thus may be due earlier than 15 days from the Federal Register notice that petitions for reconsideration have been filed.¹

DIRECTV, Inc. ("DIRECTV") opposes the Pegasus Petition for Reconsideration, and agrees, in part for the reasons stated by the Commission in the *Second Report and Order*, that the pending Pegasus applications were properly dismissed. Because DIRECTV anticipates that it will file a consolidated response to all of the petitions for reconsideration of the *Second Report and Order* ultimately placed on public notice by the Commission in the Federal Register, DIRECTV expects to elaborate on its opposition to the Pegasus petition in that filing, as well.

To the extent that there is any ambiguity as to the proper date for filing its opposition to the Pegasus petition, DIRECTV respectfully requests leave to do so within 15 days of notice of *all* of the petitions for reconsideration of the *Second Report and Order* being published in the Federal Register, as contemplated by Rule 1.429. Such a consolidated filing is more efficient and will conserve Commission resources. In addition, Pegasus has advised DIRECTV that it has no objection to DIRECTV filing a consolidated response on that date to all of the petitions for reconsideration that may be filed.

Thank you for your consideration.

Respectfully submitted,



Gary M. Epstein
James H. Barker

Counsel for DIRECTV, Inc.

cc: Bruce D. Jacobs, Esq.
Tony Lin, Esq.

¹ If reconsideration of the Commission's action dismissing Pegasus's license applications is appropriately sought under Section 1.106 of the Commission's rules, and public notice is deemed to be date of release of the *Second Report and Order*, then an opposition would be due today, July 9, 2002 (adding 3 days because the Pegasus petition was served by mail). See 47 C.F.R. §§ 1.4(b) note, 1.106(f). The same is true if reconsideration of the Commission's action dismissing Pegasus's license applications is appropriately sought under Section 1.429 of the Commission's rules, and public notice is deemed to be date of release of the *Second Report and Order*. See 47 C.F.R. §§ 1.4(b) note, 1.429(f).