



November 16, 2005

BY ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Written Ex Parte Communication in MB Docket No. 03-82

Dear Ms. Dortch:

Earlier this week, DIRECTV commenced service to Hawaii from its new DIRECTV 8 satellite. Hawaiians can now receive all DIRECTV national programming available to subscribers on the mainland – including several STARZ/Encore channels, distant high definition network signals, pay-per-view channels, and the newly created kids, sports and news mix channels. DIRECTV intends to roll out local broadcast service in Hawaii next month, in accordance with the Satellite Home Viewer Extension and Reauthorization Act.

In this proceeding, the State of Hawaii has claimed that DIRECTV “will not come into compliance with its geographic service obligations without direct Commission action.” Response of the State of Hawaii, MB Docket No. 03-82 at 13 (filed May 9, 2003). This has never been so, as DIRECTV’s service in Hawaii has long been “reasonably comparable” to that offered on the mainland, as required under the Commission’s rules. *Policies and Rules for the Direct Broadcast Satellite Service*, 17 FCC Rcd. 11331, 11363 (2002).

Now, however, DIRECTV service in Hawaii is *identical*, not just “comparable,” to DIRECTV service on the mainland. In fact, once local service begins, subscribers in Hawaii will enjoy programming that many subscribers on the mainland do not yet have. This being the case, we respectfully request that the Commission dismiss Hawaii’s Petition for Administrative Sanctions as moot.

If you have any questions concerning this matter, please direct them to me.

Sincerely,

/s/

Stacy Fuller

Vice President, Regulatory Affairs

cc: Herbert E. Marks, Squire Sanders & Dempsey LLP (by email)