

September 7, 2006

By Electronic Filing

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

Re: Ex Parte Filing: EB Docket No. 04-296

Dear Ms. Dortch:

Today Peter Rohrbach and Karis Hastings of Hogan & Hartson, counsel for SES Americom, met with Angela Giancarlo, Legal Advisor to Commissioner McDowell, to discuss matters relating to the above-referenced proceeding. The attached documents, which were distributed at the meeting, formed the basis for the discussion.

Please direct questions concerning this matter to the undersigned.

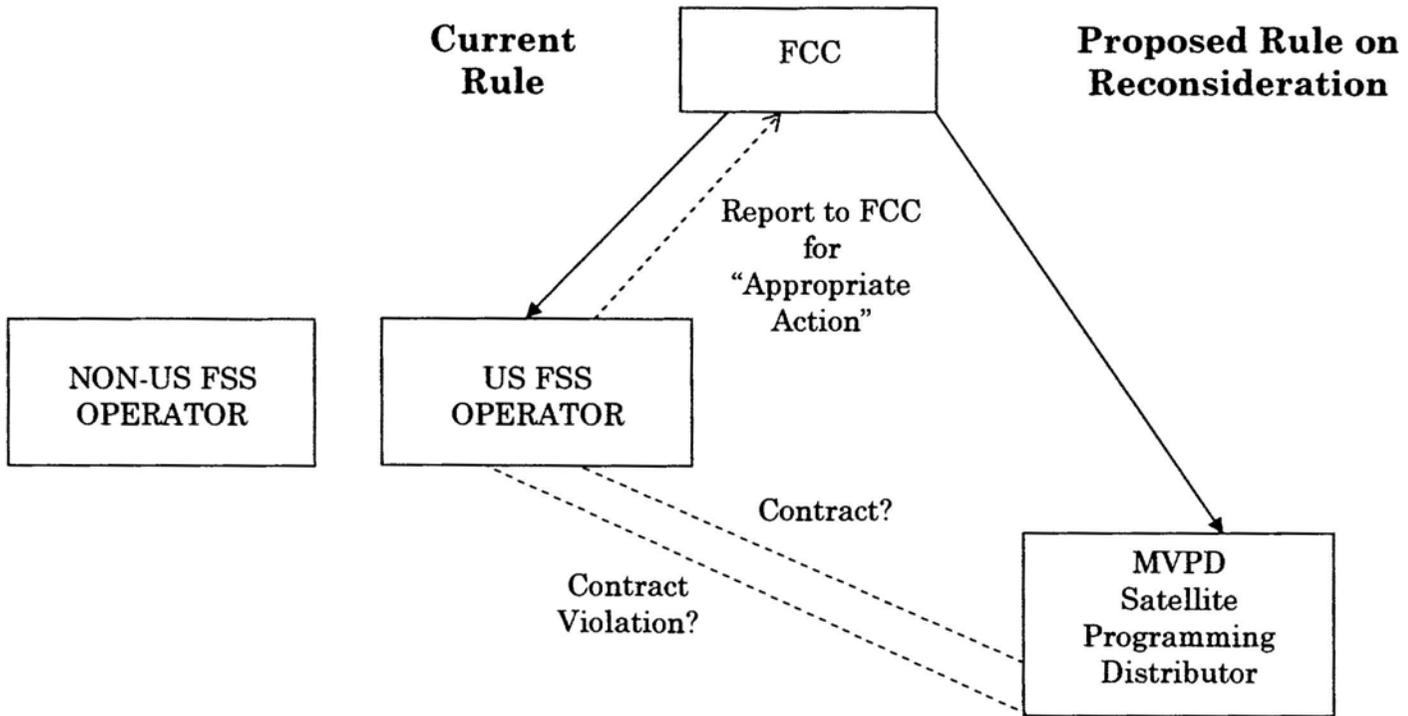
Sincerely,



Karis A. Hastings
Counsel for SES Americom, Inc.

Attachments

cc: Angela Giancarlo



§ 11.11 The Emergency Alert System (EAS).

(a) The EAS is composed of analog radio broadcast stations including AM, FM, and Low-power FM (LPFM) stations; digital audio broadcasting (DAB) stations, including digital AM, FM, and Low-power FM stations; analog television broadcast stations including Class A television (CA) and Low-power TV (LPTV) stations; digital television (DTV) broadcast stations, including digital CA and digital LPTV stations; analog cable systems; digital cable systems which are defined for purposes of this Part only as the portion of a cable system that delivers channels in digital format to subscribers at the input of a Unidirectional Digital Cable Product or other navigation device; wireless cable systems which may consist of Broadband Radio Service (BRS), or Educational Broadband Service (EBS) stations; DBS ~~providers~~ ~~services~~, as defined in 47 C.F.R. § 25.701(a) ~~(including certain Ku band Fixed-Satellite Service Direct to Home providers)~~ below; SDARS, as defined in 47 C.F.R. § 25.201; participating broadcast networks, cable networks and program suppliers; and other entities and industries operating on an organized basis during emergencies at the National, State and local levels. These entities are referred to collectively as EAS Participants in this Part, and are subject to this Part, except as otherwise provided herein. These rules in this Part are effective on December 31, 2006 for DTV, DAB, digital cable and SDARS providers, and on May 31, 2007 for DBS providers. At a minimum EAS Participants must use a common EAS protocol, as defined in §11.31, to send and receive emergency alerts in accordance with the effective dates listed above and in the following tables:

* * * * *

(e) For purposes of the EAS, DBS providers are multichannel video programming distributors, as defined in 47 C.F.R. § 76.1000(e), that provide direct-to-home satellite services, as defined in Section 303(v) of the Communications Act, 47 U.S.C. § 303(v), using U.S. licensed or non U.S. licensed satellites in the 12.2 to 12.7 GHz DBS frequency bands or in the Ku band fixed satellite service frequency bands.

(f) Organizations using other communications systems or technologies such as low earth orbit satellite systems, paging, computer networks, etc. may join the EAS on a voluntary basis by contacting the FCC. Organizations that choose to voluntarily participate must comply with the requirements of this part.

§ 25.701 Public interest obligations.

(a) DBS providers are subject to the public interest obligations set forth in paragraphs (b), (c), (d), (e) and (f) of this section. As used in this section, DBS providers are any of the following:

(1) Entities licensed to operate satellites in the 12.2 to 12.7 GHz DBS frequency bands; or

(2) Entities licensed to operate satellites in the Ku band fixed satellite service and that sell or lease capacity to a video programming distributor that offers service directly to consumers providing a sufficient number of channels so that four percent of the total applicable programming channels yields a set aside of at least one channel of non commercial programming pursuant to paragraph (e) of this section, or

(3) Non U.S. licensed satellite operators in the Ku band that offer video programming directly to consumers in the United States pursuant to an earth station license issued under part 25 of this title and that offer a sufficient number of channels to consumers so that four percent of the total applicable programming channels yields a set aside of one channel of non commercial programming pursuant to paragraph (e) of this section.