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March 9, 2007

BY ELECTRONIC FILING

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

Re: ***Ex Parte Presentation***
IB Docket Nos. 06-123 and 06-160

Dear Ms. Dortch:

On March 9, 2007, Romulo Pontual, Susan Eid, and undersigned counsel on behalf of The DIRECTV Group, Inc. ("DIRECTV"), met with Aaron Goldberger, Legal Advisor to Commissioner Tate, to discuss the enclosed materials related to the ongoing "tweener" and 17/24 GHz BSS proceedings.

Sincerely yours,

William M. Wiltshire

Enclosure

cc: Aaron Goldberger

DIRECTV

March 2007

- Recent Developments
- Tweeners
- 17/24 GHz BSS “Reverse Band”

Recent Developments

- DIRECTV continues to upgrade its service to better compete with incumbent cable operators
- DIRECTV now serves 49 markets with HD local-into-local service from its SPACEWAY Ka-band satellites
- DIRECTV 10 and DIRECTV 11, Ka-band spot beam satellites, will launch soon and dramatically increase HD capabilities
  - D10 is expected to be launched on a Proton vehicle in June 2007
  - D11 was scheduled for Sea Launch vehicle, but recent launch failure will cause delay – expected launch early 2008
  - When launched, HD local stations will increase from 300 to over 1000 (>90% of US households), and HD national programming capacity will increase from 17 to over 150 channels
  - With DIRECTV 10 alone, will still have capacity for 100 national HD channels
- DIRECTV introduces SatGo, a portable terminal that takes DBS service along with the subscriber

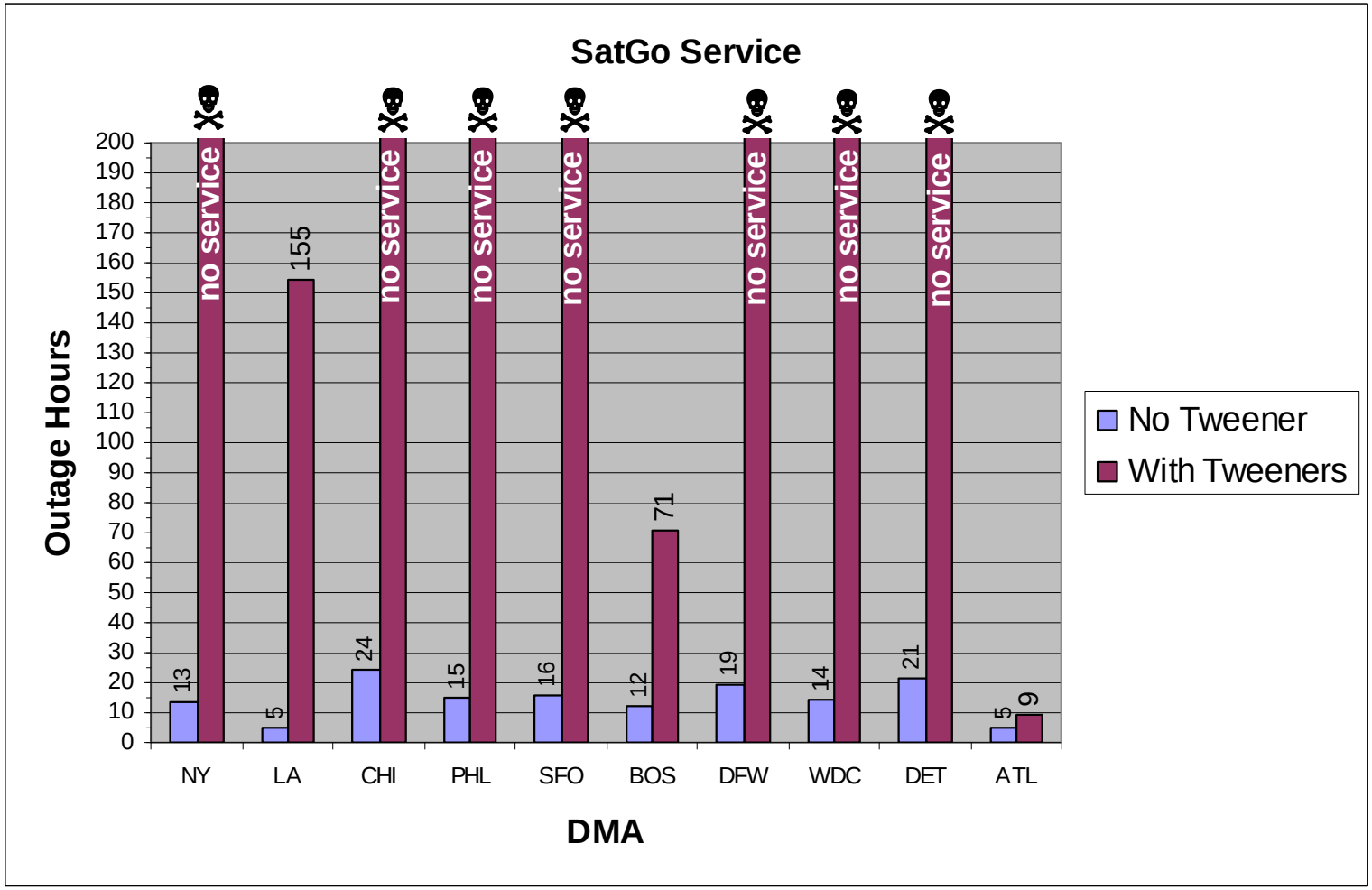
Looking Forward – “Tweeners”

- Foreign administrations have proposed a number of short-spaced “tweener” DBS systems
- Existing Commission rules contemplate tweener entry where a proposed system (1) would not affect US DBS systems under ITU standards, or (2) has completed coordination with US DBS systems
- Commission is considering whether to adopt a “third way” for entry when tweeners are not able to complete coordination with US DBS operators
- DIRECTV has demonstrated that tweener systems, as proposed:
  - Would substantially degrade existing DBS service enjoyed by tens of millions of US consumers, including innovative mobile services
  - Would establish foreign systems and their licensing administrations as gatekeepers over future development of US DBS service
  - Would *not* create public interest benefits
- Better to continue to rely on established international processes where existing operators and services are protected

Tweeners Will Disrupt Existing and Future DBS Service to Millions

- Up to 50% of DIRECTV's subscribers in some areas would lose service completely with the introduction of tweeners systems as proposed
- Remaining subscribers would suffer a significant increase in signal outages
- Innovative mobile DBS applications are especially vulnerable
  - Consumers increasingly demanding video-on-the-go
  - LiveTV service to commercial aircraft
  - KVH antennas mounted on cars and boats
  - DIRECTV's new SatGo portable DBS system and DIRECTV 13
  - Tweener proponents argue that the FCC should ignore such services
- DIRECTV could conceivably use less efficient transmission scheme to counteract interference, but only with a significant decrease in capacity
  - Would create problem for "carry one, carry all" under SHVIA
  - Essentially allows foreign tweener to expropriate capacity DIRECTV has created through investment in technology
- Foreign tweener proponents want US DBS operators to absorb the costs and consumer disruption their systems would impose

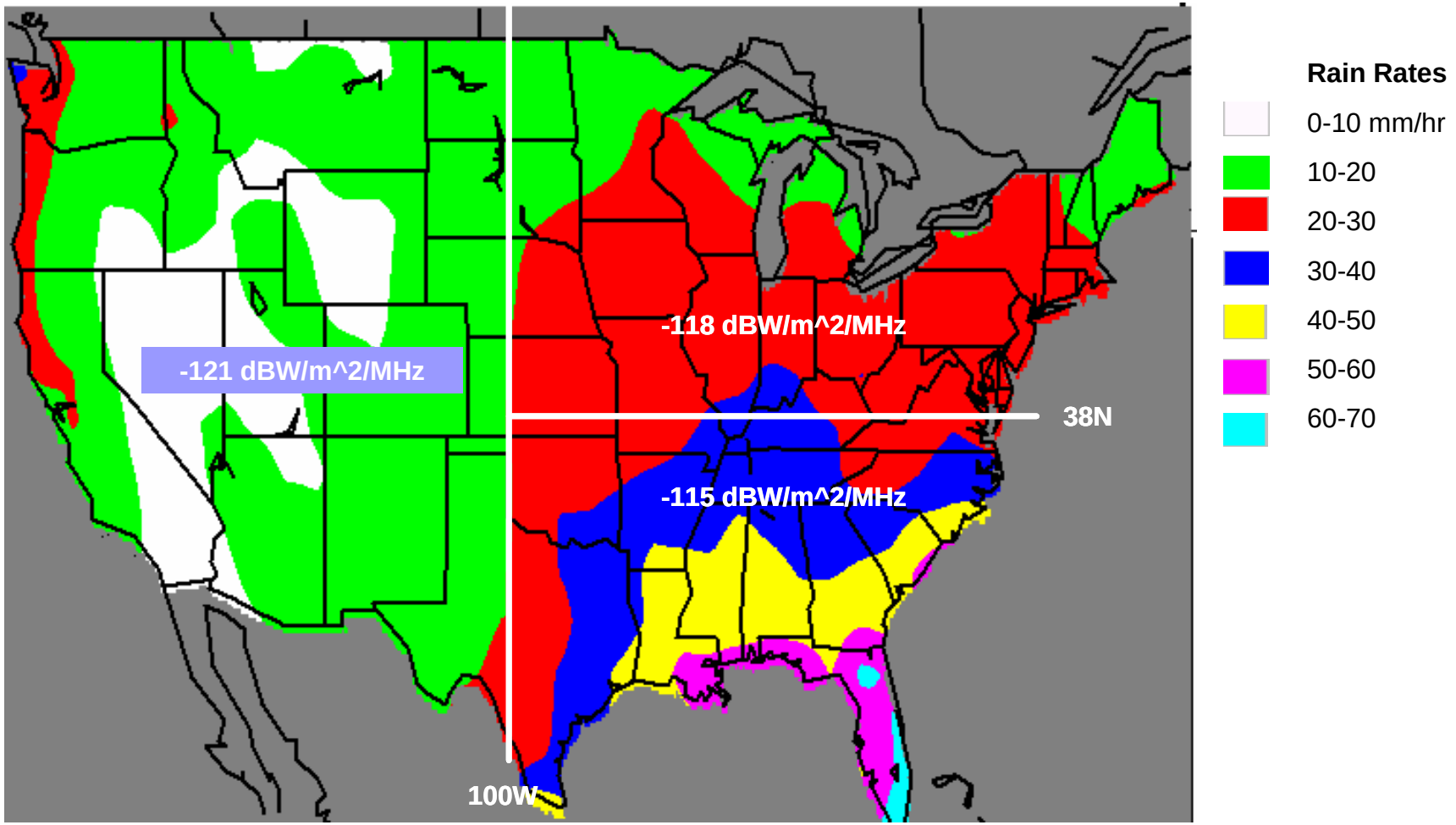
Tweeners Would Stymie SatGo



Tweeners Would Not Serve the Public Interest

- Tweeners will *not* be used for new entry
  - SES already leased entire payload to EchoStar
  - Spectrum Five spot-beam-only proposal merely complementary
- Tweeners are *not* the only option available for DTH expansion
  - New 17/24 GHz BSS "reverse band" allocation becomes available next month
  - DIRECTV has demonstrated viability of Ka-band for DTH delivery
  - EchoStar integrating extended Ku-band spectrum into service
- Tweeners will *not* improve spectral efficiency
  - Will not support new and innovative services (*e.g.,* mobile), rather will effectively preclude them for all DBS operators
  - Merely reallocate capacity from US systems (that created it) to foreign systems (that expropriate it)
- Tweeners will make DBS a less capable service overall and diminish its ability to compete with terrestrial MVPD alternatives

Looking Forward – 17/24 GHz BSS "Reverse Band"

- Commission considering rules for new service in spectrum that becomes available in April 2007
- Comments are in – much agreement on many issues, but two significant areas remain open
- Orbital spacing
  - DIRECTV and Intelsat propose 4º spacing on FSS centers (also falls on existing DBS slot at 119º WL) over limited arc (83º WL to 123º WL)
  - EchoStar and SES propose spacings to fall on slots slightly offset from existing DBS centers, over nearly entire visible arc (56.9º WL to 147.6º WL)
  - Parties are discussing potential consensus proposal
- Downlink PFD
  - DIRECTV, EchoStar and SES propose limits that vary according to regional characteristics
    - EchoStar and SES limits would preclude CONUS beams due to high levels of interference from spots
  - Intelsat proposes higher, uniform limits

Reverse Band PFD Proposal