

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

COMPREHENSIVE REVIEW OF LICENSING AND
OPERATING RULES FOR SATELLITE SERVICES

MB Docket No. 12-267

REPLY COMMENTS OF DIRECTV, LLC

DIRECTV, LLC (“DIRECTV”) submits these reply comments to briefly address a limited number of issues raised in the comments filed in response to the Commission’s effort to update and streamline its regulation of space stations under Part 25 of its rules.¹

A. Automatic Transmitter Identification System (ATIS) Requirements

DIRECTV does not agree with NPR and Comtech that the Commission should extend ATIS requirements for carrier identification to almost all digital satellite uplinks.² There is no reason to conclude that such requirements are necessary with respect to large, professionally-operated, continuously tracking, and rarely re-pointed feeder link-type earth stations, which have no history of interference.³ DIRECTV agrees with EchoStar and SIA that digital ATIS

¹ See *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, 27 FCC Rcd. 11619 (2012) (“*Notice*”). DIRECTV also participated in the preparation of reply comments by the Satellite Industry Association (“SIA”), and fully supports those reply comments.

² Comments of National Public Radio, Inc. at 2-3; Initial Comments of Comtech EF Data Corporation at 8 (“Comtech Comments”). Unless otherwise noted, all comments referred to herein were filed in MB Docket No. 12-267 on January 14, 2013.

³ For these reasons, even Comtech concedes that DBS and 17/24 GHz BSS feeder link earth stations should not be subject to the ATIS requirements. Comtech Comments at 9 n.15. Moreover, as Global VSAT and NCTA point out, international standardization efforts are still evolving, making adoption of any particular technology

requirements should be imposed only on satellite news gathering uplinks,⁴ which are much smaller, operate at relatively high power, and are frequently repointed in haste, making them far more likely to cause interference to satellite operators. Should the Commission decide otherwise, then DIRECTV maintains that at the very least, an exemption to this requirement must be included for large feeder link antennas of the type currently used by DIRECTV in the DBS, Ku and Ka bands, and to be used in the future in 24 GHz band in support of 17/24 GHz BSS, to transmit broadband video with digital techniques.

B. Space Station Application Requirements

DIRECTV agrees with EchoStar that Schedule S provides a useful common format for much of the technical material that accompanies a space station application, and should be retained.⁵ Unlike narrative submissions elsewhere in an application, this uniform frame of reference enables reliable and efficient analysis of potential interference and coordination scenarios.⁶ Although the form itself will have to be updated as a result of this proceeding and should be improved to make the software more transparent and easier to use, there is no reason to discard this valuable analytical tool.

Similarly, the Commission should adopt its proposal to require applicants to submit antenna coverage patterns in GIMS-readable format. This is a standard format that has been

unwise at this point. *See* Comments of the Global VSAT Forum at 2; Comments of the National Cable and Telecommunications Association at 4-5.

⁴ *See* Comments of EchoStar Corporation at 16 (“EchoStar Comments”); Comments of the Satellite Industry Association at 63 (“SIA Comments”).

⁵ EchoStar Comments at 7.

⁶ For this reason, DIRECTV believes that Intelsat’s suggestion that Schedule S is superfluous in light of information provided elsewhere in narrative form is inaccurate. *See* Comments of Intelsat License LLC at 10 (“Intelsat Comments”).

used in the industry for many years without issue. Moreover, contrary to Intelsat's contentions,⁷ this requirement would not impose additional costs since the GIMS software is available from the ITU free of charge,⁸ and it accommodates a range of preferences for projections (including Intelsat's preferred "flat Earth" projection).

C. Fleet Management

Conceptually, DIRECTV supports two proposals by Intelsat designed to make the Commission's fleet management rules more useful for satellite operators. The first proposal would amend Section 25.118(e)(1) to allow a space station licensee to relocate, without prior Commission approval, a satellite to another "nominal" orbital location assigned to that licensee, rather than only the precise location at which one of its satellites is currently operating.⁹ As Intelsat points out, allowing small offsets from existing licensed positions would better accommodate virtual collocation during traffic transition between satellites consistent with safe station-keeping practices. However, Intelsat does not propose a definition for the term "nominal" as used in this proposal. DIRECTV submits that "nominal" for this purpose should be defined as a location that is within $\pm 0.1^\circ$ of the assigned location – *i.e.*, sufficient leeway to accommodate $\pm 0.05^\circ$ stationkeeping tolerances of two neighboring satellites. In addition, the Commission should make clear that relocation to a "nominal" location cannot be used consecutively as a means to migrate substantially away from the originally assigned location. In other words, the new "nominal" location does not become the baseline for future fleet

⁷ See *id.* at 11-12.

⁸ See GIMS – Graphical Interference Management System (*available at* <http://www.itu.int/en/ITU-R/software/Pages/gims.aspx>).

⁹ Intelsat Comments at 8.

management maneuvers. Otherwise, this rule could be used to support operations well outside $\pm 0.1^\circ$ of the originally assigned location.

Intelsat's second proposal is for a new Section 25.117(h) to streamline the process for granting license modification requests by defining a class of non-substantial changes to operations that would be deemed granted if no objections are filed during the comment period for the application.¹⁰ This approach would accelerate the processing of uncontroversial applications, enabling licensees to optimize their operations more quickly while also relieving the burden on the Commission staff. Intelsat's proposal includes a limitation on sequential use of such modifications, like that DIRECTV proposes above for Section 25.118(e)(1). However, here again, DIRECTV would restrict satellite offsets to $\pm 0.1^\circ$ from the assigned location in order to assure that proposed relocations will be sufficiently minimal to justify streamlined processing.

In addition, DIRECTV generally joins EchoStar in supporting the Commission's proposal for modification of Section 25.118(e)(8) to allow DBS operators who will operate within the parameters of a pending Region 2 BSS Plan modification to relocate their space stations without prior authority.¹¹ For this purpose, the Commission should clarify that the obligation in Section 25.118(e)(5) to certify completion of coordination at the new location with other potentially affected space station *operators* relates only to coordination with *operational* DBS systems affected by the proposed relocation, not unbuilt or other hypothetical systems. This will ensure that the proposed revision will afford DBS operators much needed flexibility while achieving the same purpose as the current rule.

¹⁰ *Id.* at 9.

¹¹ *See Notice*, ¶ 80; EchoStar Comments at 10-11.

D. Potential Interference Concerns

Part 25 includes a number of rules designed to enable space stations to operate in a known and stable interference environment, to the benefit of all operators. Some have proposed to loosen those rules in ways that DIRECTV believes would not serve the public interest. For example, EchoStar proposes that the start angle in the EIRP masks established in Section 25.218(c) through (h) be increased to two degrees from the current 1.5 degrees start figure.¹² Such a change would fail to recognize that space stations are commonly separated by slightly less than two degrees. For example, even if two satellites operate at nominal orbital locations separated by two degrees, because of the allowable station keeping tolerance of $\pm 0.05^\circ$, this nominal separation could be reduced to 1.9° at times. In addition, if two adjacent satellites are currently authorized at “nominal” locations that are slightly less than 2° apart, this minimum 1.9° separation could be further reduced. The existing mask accounts for such cases, and thus better reflects the full range of scenarios covered by the rule.

Another example is Intelsat’s proposal to eliminate the restriction in Section 25.202(g) that requires U.S. domestic satellites to conduct TT&C at either or both ends of the allocated frequency bands.¹³ By contrast, SIA has made a more limited proposal to modify this requirement such that TT&C operations used during non-emergency situations could, under certain circumstances, be located away from the band edge(s).¹⁴ DIRECTV believes that SIA’s approach is more prudent. Emergency TT&C signals can be transmitted at very high power, which could pose an interference risk to the communications payloads of adjacent satellites if not

¹² EchoStar Comments at 16.

¹³ Intelsat Comments at 14-15.

¹⁴ SIA Comments at 52.

located at the band edge, away from communications traffic. Continuing this requirement for emergency TT&C helps to ensure that one operator's emergency does not cascade into a larger series of disruptions.

E. Enforcement Issues

DIRECTV supports a proposal made by EchoStar designed to clear up an ambiguity in the operation of Section 25.161 of the Commission's rules. As EchoStar points out, even though Section 25.161 provides that an authorization *shall* be automatically terminated when a milestone, construction, or renewal deadline is missed, the Commission retains the ability to waive such deadlines and may require a period beyond the deadline to determine whether a waiver would serve the public interest. Accordingly, DIRECTV supports EchoStar's suggestion that Section 25.161 be revised to read: "Upon notice to licensee, the Commission may terminate without further consideration a station authorization in whole or in part upon" ¹⁵ Doing so will clarify the operation of the rule and remove any potential uncertainty as to the status of licenses where a waiver request remains pending past a Commission-imposed deadline.

DIRECTV also joins Intelsat in opposing the Commission's proposal to adopt a new Section 25.111(d) that would preclude processing of all Part 25 applications filed by a party that has apparently failed to pay any ITU cost recovery fees it owes for a particular network. ¹⁶ As Intelsat correctly notes, there is no evidence that failure to pay such fees is a problem, and there are a number of reasons why a payment dispute could arise through no fault of the applicant. ¹⁷ In these circumstances, holding *all* Part 25 applications filed by a party hostage in order to

¹⁵ EchoStar Comments at 14-15.

¹⁶ See Notice, ¶ 41.

¹⁷ Intelsat Comments at 4-6.

coerce payment is too drastic a remedy, especially given the Commission's existing enforcement authority. A more proportional approach would be to limit any hold to the specific satellite network associated with the unpaid ITU cost-recovery obligation.

Respectfully submitted,

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