



Federal Communications Commission  
Washington, D.C. 20554

DA 09-895

April 22, 2009

William M. Wiltshire  
Harris, Wiltshire & Grannis LLP  
1200 18<sup>th</sup> Street, N.W.  
Washington DC 20036

Re: DIRECTV Enterprises, LLC,  
IBFS File No. SAT-LOA-20090309-00033, Call Sign: S2788

Dear Mr. Wiltshire:

On March 9, 2009, DIRECTV Enterprises, LLC (“DIRECTV”) filed an application for authority to construct, launch, and operate a geostationary Ka-band satellite at the 97.1° W.L. orbital location operating on the following frequencies: 18300-18800 MHz, 19700-20200 MHz, 28350-28600 MHz, 29250-29500 MHz, and 29500-3000 MHz.<sup>1</sup> The Commission has not announced that the orbital location and frequency bands are available for assignment.<sup>2</sup> Consequently, the application is premature and is dismissed without prejudice to refiling.

Accordingly, pursuant to Section 0.261 of the Commission’s rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss DIRECTV’s application related to the 97° W.L. orbital location without prejudice to refiling.

Sincerely,

Robert Nelson  
Chief, Satellite Division  
International Bureau

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<sup>1</sup> EchoStar Satellite Corporation (“EchoStar”) was licensed by the Commission to launch and operate a space station at the same nominal orbital location using these frequencies. EchoStar Satellite Corp., IBFS File Nos. SAT-LOA-20030827-00186 & SAT-AMD-20031203-00345, Call Sign: S2499 (granted Mar. 8, 2004). On March 9, 2009, EchoStar filed a letter surrendering the license and seeking that the Commission grant an unconditional release of payment due under the bond. Letter from Pantelis Michalopoulos, Counsel to EchoStar Satellite Corp., to Marlene H. Dortch, Secretary, Federal Communications Commission, dated March 9, 2009. This dismissal letter is not intended to be a “Notice of Default” under the bond submitted by EchoStar and is without prejudice to the request made in its March 9, 2009 letter.

<sup>2</sup> Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10806 (para. 113) (2003) (an orbit location does not become “available” until the Commission adopts “an Order revoking a license in cases where [the Commission] revoke[s] the license, or upon release of a public notice announcing that a licensee has surrendered its license in cases where the licensee surrenders its license.”)