

Title:

Mr

Forename:

John J.

Surname:

Wengryniuk

Name and title under which you would like this response to appear:

Vice President

Representing:

Organisation

Organisation (if applicable):

DIRECTV United Kingdom Ltd.

Email:

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What do you want Ofcom to keep confidential?:

Keep nothing confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

Question 1: Are there any other options for cost recovery we should consider? If so, what are they?:

DIRECTV United Kingdom Ltd. (?DTV-UK?) believes that Ofcom has done a thorough

job of analyzing the various possibilities for recovery of its costs associated with the processing of satellite filings and does not believe that consideration of any other options is necessary. However, DTV-UK does believe that Ofcom should consider exactly how it will transition from the current regime to whatever regime it adopts going forward. Specifically, how will cost recovery policies apply to requests for coordination and advanced publication information filings that have already been submitted by Ofcom and are therefore already pending at the ITU? DIRECTV believes that any new cost recovery policy should not be applied retroactively ? i.e., Ofcom should continue to process through completion all networks with ITU filings in existence before issuance of the Consultation under the regime currently in place. Such an approach will protect the reasonable expectations of satellite operators while creating a clear line of demarcation for application of the new policy going forward.

Question 2: Do you agree with Ofcom's choice of preferred option for the basis of setting cost-recovery fees for satellite filings and co-ordination? If not, what alternative would you propose and why?:

DTV-UK supports Ofcom's proposal to adopt the 'scaled fee' approach to cost recovery, under which Ofcom would charge fees for each satellite network depending on the stage reached in the life cycle of the satellite filing and the different levels of support required at each such stage. DTV-UK believes that this approach best matches the realities of the satellite industry with the regulatory objective of cost recovery.

Question 3: Do you agree with the proposal that the Procedures should be amended so that, before submitting a request for co-ordination to the ITU, Ofcom should accept evidence of the existence of construction and launch contracts, or a firm date on which they are expected to be signed as a sufficient basis for submission of a request for co-ordination to the ITU?:

DTV-UK supports Ofcom's proposal to amend the Procedures in this way. As was highlighted in the Consultation, the request for co-ordination for a satellite network can be submitted as early as six months after submission of the advance publication information, and it may not be possible for an applicant to conclude either a satellite construction contract or launch contract until well after this time for a variety of reasons. DTV-UK believes that, so long as the firm dates established for construction and launch contracts are consistent with a timetable that will allow the operator to bring the filing into use within the regulatory lifetime of the filing (i.e., within seven years of date the advance publication information is received by the ITU), Ofcom would have a sufficient basis for proceeding with a request for co-ordination. The flexibility of this proposed approach will best accommodate the disparate needs of individual satellite applicants while still ensuring sufficient commitment to Ofcom of the applicant's intent to proceed with the proposed satellite system.

Question 4: Do you agree that Ofcom should suppress filings at the ITU if operators request it to do so without inviting expressions of interest

from other UK operators?:

DTV-UK supports Ofcom's proposal to suppress an applicant's ITU filing when that applicant decides to relinquish the filing and requests such suppression. This will remove what could otherwise be a substantial disincentive to relinquishing filings that have outlived their usefulness and are no longer needed by the applicant. By allowing the option to suppress their ITU filings, Ofcom will ensure that old filings are cleared out of the ITU queue, removing a potential barrier to new satellite systems.

Additional comments: