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July 1, 2013

Federal Communications Commission  
Office of the Secretary

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**VIA HAND DELIVERY**

2013 ANNUAL REPORTS

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Re: Annual Report of Spectrum Five LLC  
Call Signs: S2667, S2668, and S2777**

Dear Ms. Dortch:

Spectrum Five LLC, by counsel, submits the attached annual report, as required by 47 C.F.R. § 25.210(l)<sup>1</sup> and paragraph 46 of the *Order and Authorization of Spectrum Five LLC, Petition for Declaratory Ruling to Serve the U.S. Market Using Broadcast Satellite Spectrum from the 114.5° W.L. Orbital Location*.<sup>2</sup>

Please contact this office if there are any questions.

Respectfully submitted,

  
Todd M. Stansbury  
Counsel for Spectrum Five LLC

cc: Columbia Operations Center

<sup>1</sup> 47 C.F.R. § 25.210(l).

<sup>2</sup> *Spectrum Five LLC, Petition for Declaratory Ruling to Serve the U.S. Market Using Broadcast Satellite Spectrum from the 114.5° W.L. Orbital Location, Order and Authorization*, 21 FCC Rcd 14,023 (2006).

## Annual Report of Spectrum Five LLC

Pursuant to Section 25.210 of the Commission's Rules, Spectrum Five LLC ("Spectrum Five") submits this annual report with information current as of May 31, 2013.

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On October 17, 2012, the Commission granted a Petition for Declaratory Ruling from Spectrum Five for access to the U.S. market using a geostationary satellite orbit space station in the 17/24 GHz Broadcast-Satellite Service (BSS) ("Reverse Band"), which will operate under the authority of the Netherlands at the 119.25° W.L. orbital location.<sup>1</sup> The Reverse Band order requires Spectrum Five, among other things, (a) to have filed a bond with the Commission in the amount of \$3 million by November 16, 2012, and (b) to enter into a binding contract for construction of the satellite by October 17, 2013. In compliance with the first obligation, Spectrum executed a bond in the amount of \$3 million on November 16, 2012. Spectrum is now working towards the execution of a construction contract by the October 17, 2013 deadline.

On November 29, 2006, the Commission granted Spectrum Five's Petition for Declaratory Ruling for authority to access the United States from direct broadcast satellites at the 114.5° W.L. orbital location.<sup>2</sup> That order requires Spectrum Five, every June 30, to submit annual progress reports that "illustrate the steps it has taken toward meeting its milestones,"<sup>3</sup> consistent with the reporting requirements of other satellite operators set forth in Section 25.210 of the Commission's rules.<sup>4</sup>

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<sup>1</sup> *Spectrum Five LLC, Petition for Declaratory Ruling Regarding 17/24 GHz Broadcasting-Satellite Service to the U.S. Market from the 119.25° W.L. Orbital Location*, DA 12-1671 (Oct. 17, 2012).

<sup>2</sup> *Spectrum Five LLC, Petition for Declaratory Ruling to Serve the U.S. Market Using Broad. Satellite Spectrum from the 114.5° W.L. Orbital Location*, 21 FCC Rcd 14,023 (2006).

<sup>3</sup> *Id.*

<sup>4</sup> 47 C.F.R. § 25.210.

Spectrum Five signed a construction contract on November 21, 2007 and submitted this contract to the FCC on November 28, 2007.<sup>5</sup> On November 25, 2008, Spectrum Five notified the FCC that its space craft manufacturer had completed critical design review.<sup>6</sup> On November 26, 2010, Spectrum Five filed a petition for declaratory ruling to extend until November 29, 2012, or to waive, the milestone for completion of construction of the first satellite.<sup>7</sup> The International Bureau (“Bureau”) denied this petition and cancelled Spectrum Five’s authorization for the 114.5° W.L. orbital location.<sup>8</sup> Spectrum Five has a pending petition for reconsideration of this decision, asking the Bureau to reconsider its decision and reinstate Spectrum Five’s market access authorization for the 114.5° W.L. orbital location.<sup>9</sup>

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<sup>5</sup> Letter from Todd M. Stansbury, Counsel to Spectrum Five LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, File Nos. SAT-LOI-20050312-00062 and SAT-LOI-20050312-00063, Call Signs S2667 and S2668 (filed Nov. 28, 2007).

<sup>6</sup> Letter from Todd M. Stansbury, Counsel to Spectrum Five LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, File Nos. SAT-LOI-20050312-00062 and SAT-LOI-20050312-00063, Call Signs S2667 and S2668 (filed Nov. 25, 2008).

<sup>7</sup> Spectrum Five LLC, Petition for Declaratory Ruling To Modify Its Authorization to Serve the U.S. Market Using BSS Spectrum from the 114.5° W.L. Orbital Location, File Nos. SAT-MOD-20101126-00245 and SAT-MOD-20101126-00269 (filed Nov. 26, 2010).

<sup>8</sup> *In the Matter of Spectrum Five LLC Petition for Declaratory Ruling to Extend or Waive Construction Milestone*, Memorandum Opinion and Order, DA 11-1252 (Int’l Bur., Jul. 26, 2011).

<sup>9</sup> Petition for Reconsideration, File Nos. SAT-MOD-20101126-00245 and SAT-MOD-20101126-00269 (filed Aug. 25, 2011).

Respectfully submitted,

Spectrum Five LLC

By: 

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David Wilson

President

SPECTRUM FIVE LLC

Date: June 28, 2013