



File # SAT-AMD-20031203-00345

with Attached Conditions

Call Sign S2499 Grant Date March 8, 2007

Other Identifiers

Approved by OMB 3060-0678

See Conditions ~~See Conditions~~

Appl Robert G. Nelson Chief Satellite Engineering Branch

Date & Time Filed: Dec 3 2003 12:09:38:243PM  
File Number: SAT-AMD-20031203-00345

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM	FCC Use Only
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:

Amendment to Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using Ka-band Frequencies at the 81 degrees W.L. Orbital Location

1-8. Legal Name of Applicant

<b>Name:</b>	EchoStar Satellite Corporation	<b>Phone Number:</b>	303-723-1000
<b>DBA Name:</b>		<b>Fax Number:</b>	303-723-1699
<b>Street:</b>	9601 South Meridian Blvd.	<b>E-Mail:</b>	
<b>City:</b>	Englewood	<b>State:</b>	CO
<b>Country:</b>	USA	<b>Zipcode:</b>	80112 -
<b>Attention:</b>	David K Moskowitz		

S2499 SAT-AMD-20031203-00345 IB2003002435  
EchoStar Satellite L.L.C.

**Attachment**  
**Conditions of Authorization**  
**3/8/2004**

1. EchoStar Satellite Corporation's application, SAT-LOA-20030827-00186, Call Sign S2499, IS GRANTED as amended by application SAT-AMD-20031203-00345 and EchoStar Satellite Corporation is authorized to launch and operate its EchoStar-97W satellite at 97° W.L., in the frequency bands 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz, and 29.25-30.0 GHz, in accordance with the terms, conditions, and technical specifications set forth in its application and this Attachment.
2. EchoStar-97W must be constructed, launched, and placed into operation in accordance with the technical parameters and terms and conditions of this authorization by these specified time periods following the date of authorization:
  - a. Execute a binding contract for construction within one year (3/8/2005)
  - b. Complete the Critical Design Review within two years (3/8/2006)
  - c. Commence construction within three years (3/8/2007)
  - d. Launch and begin operations within five years (3/8/2009)
  - e. EchoStar Satellite Corporation must file a bond with the Commission in the amount of \$5 million, pursuant to the procedures set forth in Public Notice, DA 03-2602, 18 FCC Rcd 16283 (2003), within 30 days of the date of this grant (4/7/2004).

Failure to meet any of these dates shall render this authorization null and void.

3. EchoStar Satellite Corporation shall prepare the necessary information, as may be required, for submission to the International Telecommunication Union (ITU) to initiate and complete the advance publication, international coordination, due diligence, and notification process of this space station, in accordance with the ITU Radio Regulations. EchoStar Satellite Corporation shall be held responsible for all cost recovery fees associated with these ITU filings. We also note that no protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination and notification procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments of other administrations. See 47 C.F.R. § 25.111(b).
4. The license term for the EchoStar-97W satellite, Call Sign S2499, is fifteen years and will begin to run on the date that EchoStar Satellite Corporation certifies to the Commission that the satellite has been successfully placed into orbit and its operation fully conforms to the terms and conditions of this authorization.
5. EchoStar Satellite Corporation must coordinate its downlink operations in the bands 18.3-18.8 GHz and 19.7-20.2 GHz with U.S. Government systems, including Government operations to earth stations in foreign countries, in accordance with footnote US334 to the Table of Frequency Allocations, 47 C.F.R. § 2.106.
6. EchoStar Satellite Corporation must conduct its operations pursuant to this authorization in a manner consistent with the power flux-density requirements of footnote US255 to the Table of Frequency Allocations, 47 C.F.R. § 2.106, and 47 C.F.R. § 25.208, of the Commission's Rules.

7. EchoStar Satellite Corporation shall provide a written statement to the Commission within 60 days of the date of this grant that identifies any known satellites located at, or planned to be located at, EchoStar Satellite Corporation's assigned orbital location, or assigned in the vicinity of that location such that the station-keeping volume of the respective satellites might overlap, and that states the measures that will be taken to prevent in-orbit collisions with such satellites. This statement should address any licensed FCC systems, or any systems applied for and under consideration by the FCC. The statement need not address every filing with the ITU that meets these criteria, but should assess and address any systems reflected in ITU filings that are in operation or that EchoStar Satellite Corporation believes may be progressing toward launch, *e.g.*, by the appearance of the system on a launch vehicle manifest. If EchoStar Satellite Corporation elects to rely on coordination with other operators to prevent in-orbit collisions, it shall provide a statement as to the manner in which such coordination will be effected.
8. This grant does not in any way constitute an approval of EchoStar Satellite Corporation's post-mission disposal plan for EchoStar-97W.
9. EchoStar Satellite Corporation shall submit to the Commission a modification to this authorization, specifying the exact frequencies for tracking, telemetry and command (TT&C) functions for EchoStar-97W, on, or prior to, the date of its first construction milestone, *i.e.*, 3/8/2005. EchoStar Satellite Corporation states in paragraph A.19 that the TT&C frequencies for EchoStar-97W will be "within the Ka bands" and that it will provide its final TT&C frequencies for the EchoStar-97W satellite to the Commission shortly after it has selected a manufacturer for the satellite. Thus, we conclude that EchoStar Satellite Corporation will be able to provide precise TT&C frequencies to the Commission by the time it has executed a binding contract for construction. In addition, we remind EchoStar Satellite Corporation that, consistent with 47 C.F.R. § 25.202(g), the frequencies selected for TT&C functions must be at either or both edges of the allocated bands.
9. EchoStar Satellite Corporation is afforded thirty days from the date of adoption of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.
10. Assignment of any orbital location is subject to change by summary order of the Commission on 30 days notice and does not confer any permanent right to use the orbit and spectrum.
11. Neither this grant nor any right granted by this authorization, shall be transferred, assigned or disposed of in any manner, voluntarily or involuntarily, or by transfer of control of any corporation holding this authorization, to any person except upon application to the Commission and upon a finding by the Commission that the public interest, convenience and necessity will be served thereby.
12. This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.

9-16. Name of Contact Representative (If other than applicant)

Name:	Pantelis Michalopoulos	Phone Number:	202-429-3000
Company:	Steptoe & Johnson LLP	Fax Number:	202-429-3902
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City:	Washington	State:	DC
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Contact Title:		Relationship:	Legal Counsel

**CLASSIFICATION OF FILING**

<p>17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.</p> <p>a.</p> <p>(N/A) a1. Earth Station</p> <p><input checked="" type="radio"/> a2. Space Station</p>	<p>b.</p> <p><input checked="" type="radio"/> b1. Application for License of New Station</p> <p>(N/A) b2. Application for Registration of New Domestic Receive-Only Station</p> <p>(N/A) b3. Amendment to a Pending Application</p> <p>(N/A) b4. Modification of License or Registration</p> <p>(N/A) b5. Assignment of License or Registration</p> <p>(N/A) b6. Transfer of Control of License or Registration</p> <p>(N/A) b7. Notification of Minor Modification</p> <p>(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite</p> <p><input type="radio"/> b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States</p> <p><input type="radio"/> b10. Replacement Satellite Application – no new frequency bands</p> <p><input type="radio"/> b11. Replacement Satellite Application – new frequency bands (Not eligible for streamlined processing)</p> <p><input type="radio"/> b12. Petition for Declaratory Ruling to be Added to the Permitted List</p> <p>(N/A) b13. Other (Please specify)</p>
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