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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

May 7, 2004

Received

MAY 20 2004

Policy Branch
International Bureau

Via HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: **In-Orbit Collision Avoidance Statement for EchoStar-97W**
EchoStar Satellite L.L.C. – SAT-LOA-20030827-00186, SAT-AMD-20031203-00345
Call Sign 2499

Dear Ms. Dortch,

Please find attached an original plus four copies of an In-Orbit Collision Avoidance Statement for the above-referenced EchoStar-97W satellite. This statement is being provided in accordance with Condition 7 of EchoStar's license for that satellite.

If you have any questions about this filing, please contact the undersigned.

Sincerely,



Philip L. Malet
Chung Hsiang Mah
Counsel for EchoStar Satellite L.L.C.

cc: Karl Kensinger, Satellite Division, International Bureau

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ECHOSTAR SATELLITE L.L.C.

**IN-ORBIT COLLISION AVOIDANCE STATEMENT
ECHOSTAR-97W**

SAT-LOA-20030827-00186
SAT-AMD-20031203-00345
Call Sign S2499

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I. Introduction

On March 8, 2004, EchoStar Satellite L.L.C. ("EchoStar"), formerly known as EchoStar Satellite Corporation, was granted an authorization to launch and operate a Ka-band satellite at the 97° W.L. orbital location (SAT-LOA-20030827-00186, SAT-AMD-20031203-00345, Call Sign S2499). Condition 7 of that authorization requires that EchoStar provide a written statement to the Commission within 60 days of grant that (a) identifies known satellites located at, or planned to be located at, EchoStar's assigned orbital location, or in the vicinity of that location, and (b) states the measures that EchoStar will take to prevent in-orbit collisions with such satellites.

II. Current and Planned In-Orbit Satellites At or Near 97° W.L.

In considering current and planned satellites that may have a station-keeping volume that overlaps the EchoStar-97W satellite, EchoStar reviewed the lists of FCC licensed systems and systems that are currently under consideration by the FCC. In addition, non-USA networks for which a request for coordination has been submitted to the ITU in the vicinity of 97° W.L., have also been reviewed. Only those networks that either operate, or are planned to operate, within ± 0.2 degrees from 97° W.L. have been taken into account in our analysis.

Based on our review, the only FCC system licensed, or under consideration to be licensed by the FCC, for operation at the 97° W.L. position is the Intelsat IA-5 (Telstar 5)

satellite. The only non-USA networks submitted to the ITU in the immediate vicinity of 97° W.L. are the Intersputnik networks LATAMSAT-2 (Cuba), INTERSPUTNIK-97W-M (Belarus) and INTERSPUTNIK-97-W-V (Belarus) networks. We can find no evidence that satellite construction contracts have been awarded for any of these networks, nor does the Federal Aviation Administration Commercial Space Station First Quarter 2004 Report show a pending launch for any of these networks. Finally, there is a US Government network filed with the ITU at 96.8° W.L.

III. In-Orbit Avoidance Coordination

Physical coordination of the EchoStar and Intelsat satellites will be required.

Some level of coordination may also be required with the US DoD, depending on the outcome of the coordination with Intelsat. EchoStar will begin coordination with Intelsat and the DoD, if necessary, approximately two years before the expected launch of the EchoStar-97W satellite.

There are a number of potential flight dynamic solutions to be explored in consultation with Intelsat to ensure avoidance of in-orbit collision between the two satellites, including the possibility of operating the satellites at small angular offsets from their nominal position. In the event that a coordination agreement requires operation of the satellite at an offset from its assigned nominal position, EchoStar will seek any necessary modifications to its authorization from the Commission. EchoStar will similarly seek to coordinate with any new satellites that may be authorized and launched into the 97° W.L. orbital location.

Stephen D. McNeil
May 5, 2004
613-270-1177