

STEPTOE & JOHNSON <sup>LLP</sup>

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August 27, 2009

FILED/ACCEPTED

AUG 27 2009

Federal Communications Commission  
Office of the Secretary

BY ELECTRONIC FILING

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

Re: **Bond for EchoStar EX-2**  
**SAT-LOA-20020328-000521, SAT-AMD-20050118-00245, SAT-AMD-20080114-00020,**  
**SAT AMD-20080213-00043**  
**Call Sign S2442**

Dear Ms. Dortch

EchoStar Corporation (“EchoStar”) hereby submits the attached bond in the amount of \$3,000,000.<sup>1</sup> On July 28, 2009, the International Bureau authorized EchoStar to construct, launch and operate a 17/24 GHz Broadcast-Satellite Server (“BSS”) satellite at the 107° W.L. orbital location. *See* Stamp Grant, File Nos. SAT-LOA-20020328-000521, SAT-AMD-20050118-00245, SAT-AMD-20080114-00020, SAT AMD-20080213-00043 (granted Jul. 28, 2009). Pursuant to Condition 6.e. of that authorization, EchoStar is submitting the attached bond. *Id.* at 3.

Please contact the undersigned if you have any questions about this filing.

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<sup>1</sup> We attempted to file the attached bond through the International Bureau’s electronic filing system; however, due to a problem with the Commission’s log-in server, we were unable to submit the bond electronically. Therefore, we respectfully request that this bond be uploaded to IBFS and associated with the above referenced file numbers once the server is available.

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Respectfully submitted,

/s/  
Petra A. Vorwig  
*Counsel for EchoStar Corporation*

Attachment (Bond No. 6569572)

**Federal Communications Commission  
Broadcasting-Satellite Service License Payment Bond**

KNOW ALL MEN BY THESE PRESENTS, that we, **EchoStar Corporation**, as Principal, and **Safeco Insurance Company of America**, as Surety, are held and firmly bound unto the United States Treasury, as Obligee, in the maximum penal sum of **Three Million US Dollars (\$3,000,000.00)**, as such maximum penal sum may be reduced pursuant to the terms and conditions set forth below, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly, by these presents.

WHEREAS, the above bounden Principal has obtained a license or permit from the Federal Communications Commission ("FCC") for authority to construct, launch and operate a 17/24 GHz Broadcasting-Satellite Service (BSS) space station, EchoStar EX-2, pursuant to its application, SAT-LOA-20020328-00052, SAT-AMD-20051118-00245, SAT-AMD-20080114-00020, and SAT-AMD-20080213-00043, Call Sign S2442, in accordance with the terms and conditions set forth in its authorization, including the filing of this bond with the FCC pursuant to the procedures set forth in Public Notice, DA 03-2602, 18 FCC Rcd 16283 (2003); and

WHEREAS, the Principal is required by law to file with the FCC a bond conditioned as hereinafter set forth;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall well and truly perform each and every obligation set forth below at the time and in the manner specified during the term of this bond, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED HOWEVER, that this bond is subject to the following conditions:

1. The Broadcasting-Satellite Service (BSS) space station authorized by the FCC must be constructed, launched and placed in operation in accordance with the technical parameters and terms and conditions of the grant authorization by the following specified time periods (milestones):

- a. Execute a binding contract for construction within one year (7/28/2010);
- b. Complete the Critical Design Review within two years (7/28/2011);
- c. Commence construction within three years (7/28/2012); and
- d. Launch and begin operations within five years (7/28/2014).

2. Upon completion of each milestone, confirmation of which will be filed with the FCC by the Principal, and issuance of a Public Notice by the FCC confirming same, the maximum penal sum of the bond shall be reduced by \$750,000.00 via a rider to this bond sent to the FCC and the Obligee.

3. In the event of a Notice of Default (i.e., an order or public notice revoking the Principal's authorization) issued by the FCC to the Principal and the Surety regarding the performance of the milestones specified above during the term of this bond, the Surety shall be liable only up to the current outstanding maximum penal sum amount after applicable milestone reductions. It is also understood and unconditionally agreed that upon receipt of such Notice of Default, the sole remedy under this bond will be the tender of payment of the current outstanding maximum penal sum of the bond within thirty (30) business days of such Notice of Default.

Any such Notice of Default made under this Bond shall be made in writing and shall be given by a personal delivery or expedited delivery service, postage pre-paid, addressed to the parties at the addresses specified below:

To the Surety: Safeco Insurance Company of America  
Attn: Surety Claims  
Safeco Plaza  
Seattle WA 98185-4235

To the Principal: EchoStar Corporation  
Attn: General Counsel  
90 Inverness Circle E.  
Englewood, CO 80112

4. No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein or the heirs, executors, administrators or successors of the Obligee.

5. If any conflict or inconsistency exists between the Surety's obligations or undertakings as described in this bond and as described in other documents, statutes or regulations, then the terms of this bond shall prevail.

PROVIDED FURTHER, that regardless of the number of years this bond shall continue or be continued in force and of the number of premiums that shall be payable or paid the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the current outstanding maximum penal sum of this bond.

PROVIDED FURTHER, that this bond shall be effective on the 27th day of August, 2009, and shall cease at such time as the FCC confirms that the Principal has satisfied all of the milestones set forth in paragraph 1 above, unless earlier cancelled as provided below.

PROVIDED FURTHER, that if the Surety shall so elect, this bond may be cancelled by the Surety as to subsequent liability by giving thirty (30) days notice in writing to said Obligee and Principal.


Signed, sealed and dated the 27<sup>th</sup> day of August, 2009.

Principal: *[Signature]* EchoStar Corporation

By: \_\_\_\_\_  
Name: *Charles Ergen*  
Title: *Chairman, CEO, + President*

Surety: Safeco Insurance Company of America -

By: *[Signature]*  
Name: *Angela M. Tindol*  
Title: *Attorney-in-Fact*

  
**LOCKTON**  
LOCKTON COMPANIES, LLC  
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303-414-6000 / FAX: 303-865-6000  
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POWER OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

No. 6613

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

\*\*\*\*\*JOHN BROWNING; SHELLEY CZAJKOWSKI; ANUJ JAIN; SHEILA J. MONTOYA; MONA D. WEAVER; ANGELA M. TINDOL; CHARLES M. MCDANIEL; Denver, Colorado\*\*\*\*\*

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st day of March, 2009

Dexter R. Legg

T. Mikolajewski

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business...

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 27th day of August, 2009



Dexter R. Legg

Dexter R. Legg, Secretary