



International Bureau

Federal Communications Commission
Washington, DC 20554

September 1, 2004

VIA FACSIMILE AND U.S. MAIL

Pantelis Michalopoulos
Steptoe and Johnson LLP
1330 Connecticut Ave., N.W.
Washington DC 20036
(202) 429-3902

Re: Request for additional information -
EchoStar Satellite Corporation
File Nos. 167-SAT-P/LA-95; 168-SAT-P/LA-
95; 54-SAT-AMEND-96

Dear Mr. Michalopoulos:

This letter requests additional information concerning EchoStar Satellite Corporation's (EchoStar) compliance with its Ka-band system implementation milestones for its satellite at the 83° W.L. orbit location. Because EchoStar has significantly changed the technical design of this satellite, we request documentation confirming that EchoStar remains committed and able to build and launch the satellite as required by its license. EchoStar's Ka-band system authorization required it to begin construction of the satellite at 83° W.L. in January 2003 and to launch the satellite by June 2005.¹

On July 2, 2003, the Satellite Division (Division) requested that EchoStar submit a copy of an executed contract as evidence that it had met its beginning construction milestone. On July 14, 2003, EchoStar submitted a copy of a construction contract executed in January 2003. In the accompanying cover letter, EchoStar indicated that the January 2003 construction contract was for a hybrid Ku/Ka-band satellite to be launched into the 83° W.L. orbit location.² Eight months later, in March 2004, EchoStar filed a letter with the Commission surrendering its authorization to construct, launch and operate a Ku-band satellite at the 83° W.L. orbit location.³ Consequently, EchoStar's authorization at the 83° W.L. orbit location covers a Ka-band only satellite. To date, EchoStar has not submitted an amended construction contract to the Commission reflecting that it is building a Ka-band only satellite at 83° W.L.

¹ *Echostar Satellite Corporation*, Order and Authorization, DA 97-969, 13 FCC Rcd 5664 (Int'l Bur. 1997).

² Letter from Pantelis Michalopoulos, Counsel for EchoStar, to Thomas Tycz, Chief, Satellite Division, International Bureau, FCC (dated July 14, 2004).

³ Letter from Pantelis Michalopoulos, Counsel for EchoStar, to Marlene H. Dorch, Secretary, FCC (dated March 15, 2004); See also Public Notice, Policy Branch Information, Report No. SAT-00201 (March 19, 2004) (releasing Ku-band 83 W.L. orbit location for reassignment.)

Because the technical specifications in EchoStar's January 2003 contract no longer accurately reflect EchoStar's current authorization, i.e., a Ka-band satellite at the 83° W.L. orbit location, we request that EchoStar submit the following documentation:

- 1) An amended contract reflecting EchoStar's current authorization for a single band Ka-band satellite to be launched into the 83° W.L. orbit location;
- 2) the date and amount of payments made under the contract; and
- 3) documentation that EchoStar will be able to meet its launch milestone for the satellite.

The amended contract and accompanying documentation must be filed with the Commission's Secretary by September 15, 2004 with a courtesy copy to Louise Klees-Wallace of my staff at louise.klees-wallace@fcc.gov. Failure to provide an amended contract, or any of the other required information, by this date will render EchoStar's Ka-band authorization for the 83° W.L. orbit location null and void. Please call Louise Klees-Wallace at (202) 418-1321 if you have any questions.

Sincerely,

for Fern J. Garmulnik
Thomas S. Tycz
Chief, Satellite Division