

Pantelis Michalopoulos
202.429.6494
pmichalopoulos@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel 202.429.3000
Fax 202.429.3902
steptoe.com

May 24, 2011

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

Re: EchoStar Satellite Operating Corporation, 17/24 GHz Broadcasting-Satellite Service Authorizations, File Nos. SAT-LOA-20020328-00050, SAT-LOA-20020328-00051, SAT-LOA-20020328-00052, SAT-LOA-20070105-00001, SAT-LOA-20070105-00003

EchoStar Corporation, Fixed-Satellite Service Authorizations, File Nos. SAT-LOA-20030827-00186, SAT-LOA-20040803-00154

EchoStar Corporation, Petition for Reconsideration, File No. SAT-LOA-20090528-00060

Dear Ms. Dortch:

EchoStar Corporation and EchoStar Satellite Operating Corporation (collectively, “EchoStar”), through counsel, submit this letter to resolve several matters before the Commission regarding its satellite fleet. Specifically, EchoStar surrenders its authorizations in the 17/24 GHz Broadcasting-Satellite Service (“17/24 GHz BSS”), addresses the bonds it has posted for its surrendered satellite authorizations, and withdraws a pending petition for reconsideration.

EchoStar hereby surrenders its five 17/24 GHz BSS satellite authorizations – Call Signs S2440, S2441, S2442, S2723, and S2725.¹ Upon careful review of the U.S. priority for four of these five licensed 17/24 GHz BSS satellites under International Telecommunication Union (“ITU”) rules,

¹ See File Nos. SAT-LOA-20020328-00050, Call Sign S2440 (Apr. 20, 2009); SAT-LOA-20020328-00051, Call Sign S2441 (July 28, 2009); SAT-LOA-20020328-00052, Call Sign S2442 (July 28, 2009); SAT-LOA-20070105-00001, Call Sign S2723 (Mar. 13, 2009); SAT-LOA-20070105-00003, Call Sign S2725 (Mar. 18, 2009). On April 21, 2011, the Commission consented to the *pro forma* assignment of EchoStar Corporation’s authorization to launch and operate certain space stations – Call Signs S2440, S2441, S2442, S2723 and S2725 – to EchoStar Satellite Operating Corporation. See File No. SAT-ASG-20110224-00034 (granted Apr. 21, 2011).

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EchoStar has concluded that senior priority claims of other administrations to the four slots in question have a high chance of resulting in actual satellites with priority over EchoStar's satellites. Therefore, proceeding further with these projects would carry the risk that satellites in which EchoStar would have invested hundreds of millions of dollars would prove incapable of meaningful operations due to the inability of the harmonious operation of the EchoStar satellites in the U.S. slots with those adjacent satellite networks with senior ITU priority claim. At the present time, even the 75° W.L. orbital location, while more promising than some of the other licensed 17/24 GHz BSS slots, is subject to the ITU priority rights of a number of administrations (including Canada, Luxembourg, and the United Kingdom). Additionally, EchoStar believes that the integrated outdoor units required to combine service from 75° W.L. with that from other EchoStar satellite assets will require the development of new technology, which may delay deployment. While these challenges may be mitigated or overcome in the future, surrender of the 75° W.L. authorization is the appropriate course now based on the totality of the circumstances.

Pending before the Commission are two requests for the unconditional release of the bonds posted by EchoStar for satellite authorizations it has already surrendered – Call Signs S2499, a Ka-band satellite at 97° W.L., and S2636, a Ka-band satellite at 113° W.L.² EchoStar hereby withdraws its request to unconditionally release the bond for S2636 and, in lieu of a forfeiture, will make arrangements with the Commission to make a payment in the amount of \$750,000 to the Treasury in full satisfaction of this obligation. For the bond associated with S2499, EchoStar met the first two milestones,³ and has submitted a certification that it commenced construction,⁴ but the Commission has not requested additional information from EchoStar,⁵ or made a determination as to whether EchoStar met that milestone. Once the Commission makes such a determination, EchoStar will make the appropriate arrangements with the Commission to satisfy the remaining bond obligation.

² See Letter from Pantelis Michalopoulos, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC (Mar. 9, 2009) (surrendering authorization for Call Sign S2499); Letter from Pantelis Michalopoulos, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC (Sept. 2, 2009) (surrendering authorization for Call Sign S2636).

³ See Public Notice, DA No. 05-1772, File No. SAT-MOD-20050308-00059, Call Sign S2499 (rel. June 24, 2005) (announcing EchoStar had met the contract execution milestone for S2499); Public Notice, DA No. 06-1108, File No. SAT-MOD-20050308-00059, Call Sign S2499 (rel. May 26, 2006) (announcing EchoStar had met the Critical Design Review (“CDR”) milestone for S2499).

⁴ See Letter from Pantelis Michalopoulos, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC (Mar. 8, 2007).

⁵ The Commission has requested such information in other cases. See, e.g., Letter from Robert G. Nelson, Chief, Satellite Division, to Pantelis Michalopoulos, Counsel for EchoStar Corporation (Jan. 18, 2008) (requesting additional information so that the International Bureau could make its determination that physical construction had commenced, a determination subsequently made by the Bureau upon EchoStar's submission of additional information).

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EchoStar will also satisfy its obligation to the Treasury for the 17/24 GHz BSS satellites authorizations it is surrendering through the appropriate Commission procedures. EchoStar notes that, for three of its 17/24 GHz BSS satellite authorizations (Call Signs S2440, S2723, and S2725), it has certified that it has satisfied the Critical Design Review (“CDR”) milestone but the Commission has not yet determined whether the milestone has been met. EchoStar reserves its right to, and will soon, supplement its original showing with additional information confirming that the CDR has been duly completed. EchoStar therefore requests that the bond amount for these three authorizations be reduced accordingly. Once the final bond amount has been determined, EchoStar will satisfy its obligations for all five of its 17/24 GHz BSS authorizations.

Finally, EchoStar withdraws its petition for reconsideration of the Commission’s denial of its application to operate a C-band satellite at 84.9° W.L.⁶

Please contact the undersigned if you have any questions.

Sincerely,

/s/

Pantelis Michalopoulos
Christopher Bjornson
*Counsel for EchoStar Corporation and EchoStar
Satellite Operating Corporation*

cc: (via email)
Mindel De La Torre
Chip Fleming
Gardner Foster
Fern Jarmulnek
Karl Kensinger
Kathryn Medley
Lynne Montgomery
Roderick Porter
Marilyn Simon
Cassandra Thomas

⁶ EchoStar, Petition for Reconsideration, File No. SAT-LOA-20090528-00060 (filed Aug. 30, 2010).