

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUN - 1 2005

In the Matter of

ECHO STAR SATELLITE L.L.C.

Application to Construct, Launch &
Operate a DBS Satellite at the
86.5° W.L. Orbital Location

JUN 06 2005
) Policy Branch
) International Bureau

Federal Communications Commission
Office of Secretary

File Nos. SAT-LOA-20030609-00013

Call Signs: S2454

CONSOLIDATED REPLY TO OPPOSITIONS AND COMMENTS

Pursuant to Section 309 of the Communications Act of 1934, as amended, 47 U.S.C. § 309, and Section 25.154 of the Commission's Rules, 47 C.F.R. § 25.154, EchoStar Satellite L.L.C. ("EchoStar") hereby files this Consolidated Reply to the Oppositions of Telesat Canada ("Telesat") and Bell Express Vu L.P. ("Express Vu") and the Comments of SES Americom, Inc. ("SES Americom"),¹ to EchoStar's application to construct, launch and operate a Direct Broadcast Service ("DBS") satellite at the 86.5° W.L. orbital location. These pleadings generally raise concerns about potential interference to existing and planned DBS satellites from EchoStar's proposed satellite. In particular, Telesat expresses concern that a DBS satellite located at 86.5° W.L. would limit the ability of Canadian consumers to utilize dual-feed antennas

¹ The Gibraltar Regulatory Authority ("GRA") also submitted an informal letter to the Chairman of the Commission referencing this application. See Letter from Paul J. Canessa, Chief Executive, Gibraltar Regulatory Authority, to Mr. Kevin J. Martin, Chairman, FCC (dated May 12, 2005). Both GRA and SES Americom note that the United Kingdom has filed with the ITU a request for modification of the ITU Region 2 BSS Plan for the same orbital location, and that any grant to EchoStar's application at this orbital position be subject to a coordination requirement as a condition of its license.

with the existing DBS satellites at the 82° W.L. and 91° W.L. orbital locations. EchoStar believes that these concerns can be addressed by a coordination condition so long as the plans of Telesat and Express Vu do not implicate use of "triple-feed" antennas. Nevertheless, Telesat's and Express Vu's concerns do illustrate the benefit of proceeding by means of a rulemaking on the questions related to 4.5° degree orbital spacing.²

EchoStar raised more serious concerns than those expressed in the Telesat and Express Vu Oppositions in connection with Spectrum Five LLC's Petition for a Declaratory Ruling to serve the U.S. market using BSS spectrum from the 114.5° W.L. orbital location.³ EchoStar specifically argued that the potential benefits from 4.5° orbital spacing depend on a crucial assumption -- that there would be no potential for unacceptable levels of interference from these so called "tweener" satellites to existing U.S. DBS networks and their millions of subscribers. EchoStar further pointed out that recent developments, including the increasing importance of "triple-feed" DBS antennas to U.S. DBS consumers, have brought that assumption into serious question.

Neither Telesat nor Express Vu mentions any plan to use triple-feed antennas. Nevertheless, EchoStar believes that the concerns raised by Telesat and Express Vu regarding interference to existing Canadian DBS operations, further underscore the need for the Commission to initiate a rulemaking on the tweener satellite issues to determine among other

² DIRECTV made a similar suggestion for a comprehensive rulemaking proceeding in its Opposition filed against the Spectrum Five LLC petition. See Opposition of DIRECTV Enterprises, LLC, File Nos. SAT-LOI-20050312-00062 and SAT-LOI-20050312-00063, at p. 2 (filed: May 16, 2005).

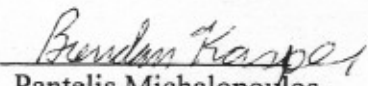
³ See EchoStar's Opposition to Petition for Declaratory Ruling, SAT-LOI-20050312-00062 and SAT-LOI-20050312-00063 (filed: May 16, 2005).

things, whether the interference that may be caused by tweener satellites into existing DBS networks would be acceptable and if so, whether technical rules can be established to ensure that these satellites do not limit the ability of existing DBS providers to take advantage of such innovations as triple-feed antennas. If the Commission does initiate such a rulemaking proceeding, EchoStar believes that its scope could appropriately encompass the issue of whether a DBS satellite at the 86.5° W.L. orbital location can be compatibly operated with existing DBS satellites.

Respectfully submitted,

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June 1, 2005

CERTIFICATE OF SERVICE

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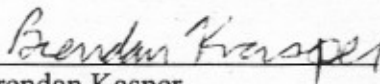
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