

Approved by OMB
3060-0678

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File Number: SAT-LOA-20030827-00177
Callsign/Satellite ID: S2490

APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	FCC Use Only
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:

Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using Ka-band Frequencies at 123 degrees W.L.

1-8. Legal Name of Applicant			
Name:	EchoStar Satellite Corporation	Phone Number:	303-723-1000
DBA Name:		Fax Number:	303-723-1699
Street:	5701 South Santa Fe	E-Mail:	
City:	Littleton	State:	CO
Country:	USA	Zipcode:	80120 -
Attention:	David K Moskowitz		



File # SAT-LOA-20030827-00177
With conditions in the Attachment
Call Sign S2490 Grant Date 12-8-03
(or other identifier)
Term Dates
From _____ To: _____
Approved: Thomas S. Tygg

Attachment
Conditions of Authorization
12/08/2003

1. EchoStar Satellite Corporation's application, SAT-LOA-20030827-00177, Call Sign S2490, IS GRANTED and EchoStar Satellite Corporation is authorized to launch and operate its EchoStar-123W satellite at 123° W.L., in the frequency bands 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz, and 29.25-30.0 GHz, in accordance with the terms, conditions, and technical specifications set forth in its application and this Attachment.
2. EchoStar-123W must be constructed, launched, and placed into operation in accordance with the technical parameters and terms and conditions of this authorization by these specified time periods following the date of authorization:
 - a. execute a binding contract for construction within one year (12/08/2004)
 - b. complete the Critical Design Review within two years (12/08/2005)
 - c. commence construction within three years (12/08/2006)
 - d. Launch and begin operations within five years (12/08/2008)
 - e. EchoStar Satellite Corporation must file a bond with the Commission in the amount of \$5 million, pursuant to the procedures set forth in Public Notice, DA 03-2602, 18 FCC Rcd 16283 (2003), within 30 days of the date of this grant (1/08/2004).

Failure to meet any of these dates shall render this authorization null and void.

3. EchoStar Satellite Corporation shall prepare the necessary information, as may be required, for submission to the International Telecommunication Union (ITU) to initiate and complete the advance publication, international coordination, due diligence, and notification process of this space station, in accordance with the ITU Radio Regulations. EchoStar Satellite Corporation shall be held responsible for all cost recovery fees associated with these ITU filings. We also note that no protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination and notification procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments of other administrations. *See* 47 C.F.R. § 25.111(b).
4. The license term for the EchoStar-123W satellite, Call Sign S2490, is fifteen years and will begin to run on the date that EchoStar Satellite Corporation certifies to the Commission that the satellite has been successfully placed into orbit and its operation fully conforms to the terms and conditions of this authorization.
5. EchoStar Satellite Corporation must coordinate its downlink operations in the bands 18.3-18.8 GHz and 19.7-20.2 GHz with U.S. Government systems, including Government operations to earth stations in foreign countries, in accordance with footnote US334 to the Table of Frequency Allocations, 47 C.F.R. § 2.106.
6. EchoStar Satellite Corporation must conduct its operations pursuant to this authorization in a manner consistent with the power flux-density requirements of footnote US255 to the Table of Frequency Allocations, 47 C.F.R. § 2.106, and 47 C.F.R. § 25.208, of the Commission's Rules.

7. EchoStar Satellite Corporation must provide a written statement to the Commission within 60 days of the date of this grant that identifies any known satellites located at, or planned to be located at, EchoStar Satellite Corporation's assigned orbital location, or assigned in the vicinity of that location such that the station-keeping volume of the respective satellites might overlap, and that states the measures that will be taken to prevent in-orbit collisions with such satellites. This statement should address any licensed FCC systems, or any systems applied for and under consideration by the FCC. The statement need not address every filing with the ITU that meets these criteria, but should assess and address any systems reflected in ITU filings that are in operation or that EchoStar Satellite Corporation believes may be progressing toward launch, *e.g.*, by the appearance of the system on a launch vehicle manifest. If EchoStar Satellite Corporation elects to rely on coordination with other operators to prevent in-orbit collisions, it shall provide a statement as to the manner in which such coordination will be effected.
8. EchoStar Satellite Corporation must submit to the Commission a modification to this authorization, specifying the exact frequencies for tracking, telemetry and command (TT&C) functions for EchoStar-123W, on, or prior to, the date of its first construction milestone, *i.e.*, 12/08/2004. EchoStar Satellite Corporation states in paragraph A.19 that the TT&C frequencies for EchoStar-123W will be "within the Ka bands" and that it will provide its final TT&C frequencies for the EchoStar-123W satellite to the Commission shortly after it has selected a manufacturer for the satellite. Thus, we conclude that EchoStar Satellite Corporation will be able to provide precise TT&C frequencies to the Commission by the time it has executed a binding contract for construction. In addition, we remind EchoStar Satellite Corporation that, consistent with 47 C.F.R. § 25.202(g), the frequencies selected for TT&C functions must be at either or both edges of the allocated bands.
9. EchoStar Satellite Corporation is afforded thirty days from the date of adoption of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.
10. Assignment of any orbital location is subject to change by summary order of the Commission on 30 days notice and does not confer any permanent right to use the orbit and spectrum.
11. Neither this grant nor any right granted by this authorization, shall be transferred, assigned or disposed of in any manner, voluntarily or involuntarily, or by transfer of control of any corporation holding this authorization, to any person except upon application to the Commission and upon a finding by the Commission that the public interest, convenience and necessity will be served thereby.
12. This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.