

STEPTOE & JOHNSON<sup>LLP</sup>

ATTORNEYS AT LAW

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**Received**  
APR 13 2004  
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**RECEIVED**

April 7, 2004

APR - 7 2004

Via HAND DELIVERY

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

Re: **Bond Filing for EchoStar Satellite L.L.C.**  
**SAT-LOA-20030827-00186, SAT-AMD-20031203-00345, Call Sign S2499**  
**(Granted Mar. 8, 2004)**  
**IBFS Reference Number 2004040617391780**

Dear Ms. Dortch

Pursuant to the terms and conditions of the above-referenced authorization, 47 C.F.R. § 25.149 and the Public Notice, DA 03-2602, 18 FCC Rcd 16283 (2003), EchoStar Satellite L.L.C. (formerly known as EchoStar Satellite Corporation) hereby files the attached bond with the Commission in the amount of \$5 million. While an electronic copy of this bond was filed yesterday, April 6, 2004, through the International Bureau Filing System (IBFS reference number 2004040617391780), we have been unable to verify that the document was properly uploaded. Out of an abundance of caution, EchoStar is today submitting hard copies to ensure that the bond is treated as having been timely filed.

Please find attached five copies of the bond, and one additional copy to be date-stamped and returned to us with our messenger.

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

Respectfully submitted,



Pantelis Michalopoulos  
Philip L. Malet  
Counsel for EchoStar Satellite L.L.C.

WASHINGTON

PHOENIX

LOS ANGELES

LONDON

BRUSSELS

Marlene H. Dortch  
April 7, 2004  
Page 2

Attachment (License and/or Permit Continuous Bond No. 08727168)

Cc: Jennifer Gilsean

RECEIVED

This bond is executed in duplicate.

APR - 7 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Bond No. 08727168

### License and/or Permit Continuous Bond

KNOW ALL MEN BY THESE PRESENTS, that we, **EchoStar Satellite L.L.C.** (formerly known as EchoStar Satellite Corporation), as Principal, and **Fidelity and Deposit Company of Maryland**, as Surety, are held and firmly bound unto the United States Treasury, as Oblige, in the maximum penal sum of **Five Million Dollars (\$5,000,000.00)**, 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 Geostationary Satellite pursuant to its application, SAT-LOA-20030827-00186, SAT-AMD-20031203-00345, Call Sign S2499, 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 Geostationary Satellite 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 (3/8/2005);
  - b. Complete the Critical Design Review within two years (3/8/2006);
  - c. Commence construction within three years (3/8/2007); and
  - d. Launch and begin operations within five years (3/8/2009).
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 \$1,250,000.00 via a rider to this bond sent to the FCC and the Oblige.
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: Fidelity and Deposit Company of Maryland  
Attn: Surety Claims  
3910 Keswick Rd  
Baltimore, MD 21211

To the Principal: EchoStar Satellite L.L.C.  
Attn: General Counsel  
9601 S. Meridian Blvd.  
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 5th day of April, 2004, 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 5<sup>th</sup> day of April, 2004.

*Principal:* EchoStar Satellite L.L.C.

By: Michael R. Russell  
Name:  
Title: Sr. VP: CFO

*Surety:* Fidelity and Deposit Company of Maryland

By: Amy Wickett  
Name: Amy Wickett  
Title: Attorney-in-Fact

**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, corporations of the State of Maryland, by PAUL C. ROGERS, Vice President, and T. E. SMITH, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint William M. O'CONNELL, JR., Deborah L. POPPE, Shelley CZAJKOWSKI, Celeste T. HELMS, Garry L. WESSELINK, Karen A. FEGGESTAD and Amy WICKETT, all of Denver, Colorado, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety and as its act and deed, any and all bonds and undertakings and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of William M. O'CONNELL, JR., Deborah L. POPPE, Shelley CZAJKOWSKI, Celeste T. MOORE-HELMS, Debbie A. HASLAM, Garry L. WESSELINK, Karen A. FEGGESTAD, dated September 25, 2001.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, this 15th day of April, A.D. 2003.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**



*T. E. Smith*

T. E. Smith

By:

*Paul C. Rogers*

Paul C. Rogers

Vice President

State of Maryland }  
City of Baltimore } ss:

On this 15th day of April, A.D. 2003, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came PAUL C. ROGERS, Vice President, and T. E. SMITH, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposes and saith, that they are the said officers of the Companies aforesaid, and that the seals affixed to the preceding instrument is the Corporate Seals of said Companies, and that the said Corporate Seals and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Sandra Lynn Mooney*

Sandra Lynn Mooney

Notary Public

My Commission Expires: January 1, 2004

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

**EXTRACT FROM BY-LAWS OF COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the respective By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990 and of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies,

this 5th day of April, 2004

  
Assistant Secretary