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Received

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Federal Communications Commission
Office of Secretary

November 29, 2004

Via HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: **In-Orbit Collision Avoidance Statement for EchoStar-109W
EchoStar Satellite L.L.C. – SAT-LOA-20031211-00350
Call Sign 2607**

Dear Ms. Dortch,

Please find attached an original plus four copies of an In-Orbit Collision Avoidance Statement for the above-referenced EchoStar-109W satellite. This statement is being provided in accordance with Paragraph 40 of the Order and Authorization for that satellite. *See* DA 04-3163 (granted September 30, 2004).

If you have any questions about this filing, please contact the undersigned.

Sincerely,



Pantelis Michalopoulos
Chung Hsiang Mah
Counsel for EchoStar Satellite L.L.C.

cc: Karl Kensinger, Satellite Division, International Bureau

IN-ORBIT COLLISION STATEMENT FOR 109° W.L.

In considering operational and planned satellites that may have a station-keeping volume that overlaps the ECHOSTAR-109W satellite, EchoStar reviewed the lists of FCC licensed systems and systems that are currently under consideration by the FCC. In addition, non-USA networks for which a request for coordination has been submitted to the ITU in the vicinity of 109° W.L., have also been reviewed. Only those networks that either operate, or are planned to operate, and can have an overlapping station-keeping volume with the ECHOSTAR-109W satellite have been taken into account in the analysis. For purposes of calculating potential station-keeping volume overlap, US satellites have been assumed to have a maximum east-west excursion of 0.05° from their nominal location, while non-US satellite networks have been assumed to have a maximum excursion of 0.1° from their nominal location.

Based on our review, there are no pending applications before the Commission for a satellite network in the immediate vicinity of 109° W.L. Venezuela has submitted a request for coordination for the SIMON BOLIVAR 3 network at 109° W.L. EchoStar can find no evidence that a satellite construction contract has been awarded for this satellite network, nor does the Federal Aviation Administration Commercial Space Station Fourth Quarter 2004 Report show a pending launch for a Venezuelan satellite. EchoStar therefore concludes that physical coordination of the ECHOSTAR-109W satellite with a second party will not be required.

Stephen D. McNeil

Telecomm Strategies Inc.