

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

FILED/ACCEPTED

AUG 28 2008

Federal Communications Commission  
Office of the Secretary

In the Matter of	)	
	)	
EchoStar Corporation	)	File No. SAT-LOA-20080523-00112
	)	
Application for a Geostationary C-Band	)	
Satellite in the Fixed-Satellite Service at 85°	)	
W.L.	)	

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**REQUEST TO FILE RESPONSE TO SURREPLY AND RESPONSE**

Intelsat North America LLC (“Intelsat”), by its attorneys, requests leave to file this brief response to the Surreply filed by EchoStar Corporation (“EchoStar”)<sup>1</sup> with respect to Intelsat’s Motion to Dismiss EchoStar’s above-referenced 85° W.L. FSS application.<sup>2</sup> A response is warranted to correct further the factual record.

In its Surreply, EchoStar states that the video recording of the FCC’s July 8, 2003 public meeting is “archived and unavailable”.<sup>3</sup> In fact, an archived video on the FCC’s website is readily available to the public. The FCC’s website instructs that a temporary link to the video will be provided upon request to [webmaster@fcc.gov](mailto:webmaster@fcc.gov).<sup>4</sup> Intelsat requested the video on May 23, 2008 and the link was provided. As of August 1, 2008, when Intelsat filed its Motion to Dismiss,

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<sup>1</sup> EchoStar Corp., Request to File Surreply and Surreply (filed Aug. 26, 2008) (“EchoStar Surreply”).

<sup>2</sup> Intelsat North America LLC, Motion to Dismiss (filed Aug. 1, 2008) (“Intelsat Motion”).

<sup>3</sup> EchoStar Surreply at 2.


<sup>4</sup> Available at <http://www.fcc.gov/realaudio/publicforums.html> (“Because of the large amount of computer memory required to store audio/video recordings, and the limited amount of hard disk space available on the FCC web server, we periodically move older audio/video recordings of FCC events to off-line storage to conserve space on the FCC web server. The names of these events and links to related materials are listed below. If you would like to play the audio/video files from one of the events listed below, please e-mail your specific request to [webmaster@fcc.gov](mailto:webmaster@fcc.gov), and we will provide you with a temporary link that you can use to access the selected media file.”).

the video was archived again. Following receipt of Intelsat's Motion to Dismiss, EchoStar requested the video and the link was provided. And, upon archiving again, the video will remain readily available upon request.

As such, there is no merit to EchoStar's claim that the video recording of the FCC's July 8, 2003 public meeting "could not have served as notice to applicants for the 85 degree orbital slot."<sup>5</sup> The public record clearly disclosed that a public meeting had been held and applicants should certainly have been aware that it is general practice for the FCC to record public meetings and post a link to the video on its website. Once a video is archived, all an applicant had to do is request it.<sup>6</sup> In fact, as clearly shown in the video of the July 8, 2003 public meeting, EchoStar's counsel were present at that public meeting and were thus familiar with its subject matter. While EchoStar may be a new entrant to the FSS industry, their experienced counsel's actual knowledge of the contents of the meeting, including the discussion of the 11:00 AM filing window, belies any claim of lack of notice.

Respectfully submitted,

Intelsat North America LLC

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Dated: August 28, 2008

<sup>5</sup> EchoStar Surreply at 2.

<sup>6</sup> Archived Recordings of Public Forums, New Satellite Application Procedures, from 1:22:22 to 1:23:10 and 1:25:54 to 1:26:40 on the RealPlayer™ video player (July 8, 2003), available at <http://www.fcc.gov/realaudio/publicforums.html> (last visited Aug. 27, 2008).

**CERTIFICATE OF SERVICE**

I, Kim Riddick, do hereby certify that on August 28, 2008, I served a copy of the foregoing Request to File Response to Surreply and Response upon the following parties by U.S. first-class mail, postage pre-paid:

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