

REQUEST FOR CONFIDENTIAL TREATMENT

June 14, 2013

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

Re: EchoStar 45.1^o W.L. Application
File Nos. SAT-LOA-20120921-00152, SAT-AMD-20130614-00085

Dear Ms. Dortch:

Pursuant to Section 0.459(d) of the Commission's rules and Section 552(b)(4) of the Freedom of Information Act ("FOIA"),¹ EchoStar Satellite Operating Corporation (collectively with its affiliates, "EchoStar") requests confidential treatment of the following attached documents (collectively, "Documents"): (1) material portions of the Term of Satellite Exploration Right between Agência Nacional de Telecomunicações ("Anatel") and HNS Americas Comunicações, Ltda. ("HNS Brazil") (English translation) (July 18, 2012); and (2) a letter agreement between EchoStar and HNS Brazil (June 5, 2013).

The Documents contain competitively sensitive business information that is not normally made public by EchoStar or other industry members, and the disclosure of information would cause material competitive harm to EchoStar. Competitors would gain valuable insight into EchoStar's business practices, future plans, and other internal business matters to which competitors otherwise would not have access. Such competitively sensitive information is exempted from mandatory disclosure under "Exemption 4" of the Freedom of Information Act ("FOIA"),² and Section 0.457(d) of the Commission's rules.³ Exemption 4 allows the withholding of commercial or

¹ 47 C.F.R. § 0.459; 5 U.S.C. § 552(b)(4) (exemption 4 of the FOIA provides that an agency need not disclose "trade secrets and commercial of financial information obtained from a person which is privileged or confidential").

² 5 U.S.C. § 552(b)(4).

³ 47 C.F.R. § 0.457(d). See *National Parks and Conservation Ass'n. v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974) ("National Parks"); *Southern Company Request for Waiver of Section 90.629 of the Commission's Rules*, 14 FCC Rcd 1851, 1860 (IB 1998) ("Southern Company").

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financial information that is privileged or confidential.⁴ The confidentiality requirement is satisfied if substantial competitive injury would likely result from disclosure.⁵ EchoStar has taken steps to safeguard all of the confidential information from disclosure, and public disclosure of this information will cause substantial competitive and financial harm to EchoStar,⁶ more than satisfying the Exemption 4 standard for nondisclosure⁷ as well as the criteria set forth in Section 0.459(b) of the Commission's rules.⁸

EchoStar accordingly requests that the Documents be withheld indefinitely from public inspection in its entirety. In the event that any person or entity requests disclosure of the Documents, EchoStar requests that it be so notified immediately so it can oppose the request or take any other action to safeguard its interests.

Sincerely,

/s/

Phuong N. Pham
Counsel for EchoStar

⁴ 5 U.S.C. § 552(b)(4).

⁵ *Public Citizen Research Group v. FDA*, 704 F.2d 1280, 1290-91 (D.C. Cir. 1983) (“*Public Citizen*”).

⁶ *See National Parks*, 498 F.2d at 770; *Southern Company*, 14 FCC Rcd at 1860.

⁷ *See Public Citizen*, 704 F.2d at 1290-91.

⁸ 47 C.F.R. § 0.459(b).