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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

May 14, 2004

**Via HAND DELIVERY**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
455 12th Street, S.W.  
Washington, DC 20554

Received

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Policy Branch  
International Bureau

**Re: EchoStar Satellite L.L.C., File Nos. SAT-MOD-20010608-00055 (Call Sign S2179);  
SAT-MOD-20010608-00054 (Call Sign S2143)**

Dear Ms. Dortch:

At the request of the International Bureau staff and in view of the recent assignment of certain satellite authorizations of Loral Satellite, Inc. and Loral SpaceCom Corp. (collectively "Loral") to Intelsat North America, LCC ("Intelsat"), EchoStar Satellite L.L.C. ("EchoStar") hereby submits the following information in the docket of the above-captioned proceedings to confirm EchoStar's continuing control over the EchoStar IX satellite.

The EchoStar IX satellite is a hybrid Ku-band and Ka-band Fixed-Satellite Service ("FSS") satellite operating at the 121° W.L. orbit location. EchoStar operates the Ku-band and Ka-band payloads on the satellite pursuant to the modifications to its space station authorizations granted in the above-captioned proceedings. Until recently, Loral operated the C-band payload on the EchoStar IX satellite, known as Telstar 13, pursuant to authorization from Papua New Guinea using that country's PACSTAR-L4 network ITU filing at the 121° W.L. orbit location.<sup>1</sup> On February 11, 2004, however, the Commission granted authority for the assignment of certain space station authorizations from Loral to

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<sup>1</sup> See Loral SpaceCom Corporation Petition for Declaratory Ruling for Inclusion of Telstar 13 C-Band Satellite at 121° W.L. on the Permitted Space Station List, File No. SAT-PDR-20020315-00025 (filed March 15, 2002). The FCC placed the Telstar 13 satellite on the Permitted Space Station list on August 8, 2003. See Loral SpaceCom Corporation Petition for Declaratory Ruling to Add Telstar 13 to the Permitted Space Station List, Order, File No. SAT-PDR-20020315-00025 (rel. Aug. 8, 2003).

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Intelsat.<sup>2</sup> Although the Telstar 13 satellite was part of the Loral-Intelsat transaction, as a foreign-licensed satellite it was not formally included in the assignment application granted by the Commission.<sup>3</sup> On March 18, 2004, Intelsat notified the Commission that it acquired Telstar 13 from Loral and that Papua New Guinea had approved the satellite's ownership change.<sup>4</sup> EchoStar understands that no comments or objections were filed concerning this notification.

The relationship between EchoStar and Intelsat with respect to EchoStar IX is governed by an agreement between EchoStar and Loral dated February 22, 2000, which EchoStar has previously filed with the Commission subject to a request for confidential treatment.<sup>5</sup> The Agreement provides that its terms shall be binding upon each of the parties' successors, including successors resulting from merger or consolidation, provided that a successor expressly assumes that obligations of the relevant party under the Agreement. Intelsat has assumed Loral's obligations under the Agreement. Thus, Intelsat has simply "stepped into the shoes" of Loral with respect to EchoStar IX.

The EchoStar IX satellite remains under the direction and control of EchoStar. There have been no changes whatsoever to the substantive terms of the Agreement. The Agreement provides that EchoStar and Intelsat (as Loral's successor) each shall exclusively own and operate their respective communications payloads, and have exclusive decision-making authority with respect to operation of these payloads. In addition, EchoStar still maintains a majority ownership interest in the common elements of the EchoStar IX satellite such as the spacecraft bus. In other words, the provisions governing the relationship between Intelsat and EchoStar are precisely the same provisions considered

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<sup>2</sup> See Loral Satellite, Inc. (Debtor-in-Possession) and Loral SpaceCom Corporation (Debtor-in-Possession), Assignors and Intelsat North America, LLC, Assignee, *Order and Authorization*, File Nos. SAT-ASG-20030728-00138, SAT-ASG-20030728-00139 and ISP-PDR-20030925-00024 (rel. Feb. 11, 2004).

<sup>3</sup> See *id.* at ¶ 10.

<sup>4</sup> See Public Notice, Report No. SAT-00206 (rel. Friday April 2, 2004).

<sup>5</sup> See Letter from Pantelis Michalopoulos to Jennifer M. Gilsean, File Nos. 167-SAT-P/LA-95; 168-SAT-P/LA-95; 54-SAT-AMEND-96 (dated March 29, 2002) at Attachment (the "Agreement"). The general discussion set forth herein should not be construed as a waiver of EchoStar's previous request for confidential treatment. See Letter from Pantelis Michalopoulos to William F. Caton, File Nos. 167-SAT-P/LA-95; 168-SAT-P/LA-95; 54-SAT-AMEND-96 (dated March 29, 2002). For the reasons set forth in that request, the specific language and provisions of the Agreement should continue to be afforded confidential treatment. See *id.*

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by the Commission in the context of originally granting the EchoStar IX modification applications and placing the Telstar 13 satellite on the Permitted Space Station List.<sup>6</sup>

Finally, EchoStar would note that Loral continues to provide TT&C services to EchoStar for the EchoStar IX satellite under the same terms and conditions as the 1996 contract whereby Loral has provided TT&C services for many of EchoStar's licensed satellites. EchoStar currently envisions, however, that Intelsat will provide TT&C services for EchoStar IX beginning in early 2005. It is EchoStar's intention that the TT&C services for EchoStar IX will be provided by Intelsat on the same terms applicable to those currently provided by Loral.

In short, notwithstanding that Intelsat has acquired Loral's interest in EchoStar IX, the satellite remains under the direction and control of EchoStar and will continue to be operated in accordance with applicable FCC rules, policies and orders.

Respectfully submitted,



Pantelis Michalopoulos

Carlos M. Nalda

*Counsel for EchoStar Satellite L.L.C.*

cc: Joann Lucanik  
Stephen Duall

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<sup>6</sup> See Letters from Pantelis Michalopoulos to Marlene H. Dortch, File Nos. 167-SAT-P/LA-95; 168-SAT-P/LA-95; 54-SAT-AMEND-96; SAT-MOD-20010608-00055; SAT-AMD-20030127-00003; 36-DSS-LA-94; 37-DSS-P/LA-94; 154-SAT-AMEND-95; SAT-MOD-20010608-00054; SAT-AMD-20030127-00004 (dated March 14, 2003 and April 4, 2003); see also Loral SpaceCom Corp., Petition for Declaratory Ruling to Add Telstar 13 to the Permitted Space Station List, DA 03-2624, *Order* (rel. Aug. 08, 2003).