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Federal Communications Commission
Office of Secretary

VIA HAND DELIVERY

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

-- REQUEST FOR CONFIDENTIAL TREATMENT --

Re: *EchoStar Satellite L.L.C. Application for Special Temporary Authority to Conduct Telemetry, Tracking, and Command Operations during the Relocation of EchoStar 4 to the 77° W.L. Orbital Location, File No. SAT-STA-20050321-00068; Application for Modification of Direct Broadcast Satellite Authorization To Permit Long-Term Cessation of Operations On Three DBS Channels at the 157° W.L. Orbital Location, File No. SAT-MOD-20050513-00103 (Call Sign: S2621); and Application for Modification of Earth Station Authorization to add the EchoStar 4 Satellite at 77° W.L. as a Point of Communication, File No. SES-MFS-20050527-00662 (Call Sign: E020306)*

Dear Ms. Dortch,

For the reasons stated herein, EchoStar Satellite L.L.C. ("EchoStar") hereby requests that the enclosed Attachment B to the Supplement No. 2 To Petition For Reconsideration be treated as confidential and not routinely available for public inspection under 47 C.F.R. §§ 0.457 and 0.459. A redacted copy of the entire Attachment B is being filed separately today for inclusion in the public record.

On July 1, 2005, EchoStar submitted a Supplement No. 2 to its Petition for Reconsideration filed in the above-referenced matters, together with a request for confidential treatment of Attachment B of that Supplement No. 2. Attachment B contained an amendment to an agreement between EchoStar and SES Americom ("SES") requested by the Bureau. As foreshadowed in the Supplement No. 2, EchoStar hereby submits the final version of that agreement as executed by all parties. EchoStar respectfully requests that the enclosed agreement be substituted for Attachment B of Supplement No. 2.

The enclosed Attachment B contains information that qualifies as "commercial or financial information" that "would customarily be guarded from competitors" regardless of whether or

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not such materials are protected from disclosure by a privilege. *See* 47 C.F.R. § 0.457(d); *see also Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992) (“[W]e conclude that financial or commercial information provided to the Government on a voluntary basis is ‘confidential’ for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.”). The confidential information contained in Attachment B relates to the commercial terms on which EchoStar and SES have reached agreement on the relocation and operation of EchoStar 4 at the 77° W.L. orbital location.

In addition, Attachment B contains sensitive information that if disclosed could place EchoStar and SES at a competitive disadvantage, including specific information regarding non-price terms that warrant protection under 47 C.F.R. § 0.459. Both EchoStar and SES would be placed at a significant disadvantage if these terms of their agreement were revealed to competing service providers, who stand to benefit competitively from any knowledge of the redacted commercial terms included in these materials. Both EchoStar’s and SES’s ability to negotiate similar arrangements with other parties would be prejudiced by the disclosure of the critical non-price terms of their arrangement with each other. Moreover, if the redacted commercial terms were disclosed to competitors of EchoStar or SES, they could use such information to negotiate similar arrangements or take other actions that would place EchoStar or SES, respectively, at a substantial competitive disadvantage. The redacted material is not and has not previously been made available to the public and both EchoStar and SES take significant measures to ensure that such information is not disclosed to the public (including a mutual confidentiality and nondisclosure undertaking in the original agreement).

Please contact the undersigned if you have questions regarding this request for confidentiality or the enclosed Attachment B of the Supplement No. 2 To Petition For Reconsideration filed in the above-referenced matters.

Respectfully submitted,



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

Enclosure

cc: (by electronic mail)

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Cassandra Thomas, International Bureau
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