

S2790 SAT-MOD-20100212-00027
DISH Operating L.L.C.
ECHOSTAR-14

IB2010000549

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S2790 SAT-MOD-20100212-00027 IB2010000549
DISH Operating L.L.C.

**originally filed as SAT-AMD-20100212-00027
File # SAT-MOD-20100212-00027**



Approved by OMB
3060-0678

Call Sign S2790 Grant Date 04/29/10
(or other identifier) Term Dates duration of
From 04/29/10 To: underlying license
Approved: Stephen J. Duall
Stephen J. Duall
Chief/Satellite Policy Branch

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY
FCC Use Only

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Minor Amendment to Application for Modification of DBS Authorization and Authority to Launch the EchoStar 14 Satellite and to Operate it at 118.9 W.L.

1-8. Legal Name of Applicant

Name:	DISH Operating L.L.C.	Phone Number:	303-723-1000
DBA Name:		Fax Number:	303-723-1699
Street:	9601 South Meridian Boulevard	E-Mail:	
City:	Englewood	State:	CO
Country:	USA	Zipcode:	80112
Attention:	Linda Kinney - (202)293-0981		

Attachment to Grant
DISH Operating L.L.C.
IBFS File No. SAT-MOD-20100212-00027
Call Sign: S2790

DISH Operating L.L.C.'s (DISH) application, IBFS File No. SAT-MOD-20100212-00027, to modify certain technical parameters for its EchoStar 14 Direct Broadcast Satellite (DBS) space station (Call Sign S2790) at the 118.9° W.L. orbital location, and request for waiver of Section 25.215 of the Commission's rules, is GRANTED. We also grant DISH a waiver of Section 25.210(i) on our own motion. Accordingly, DISH's request for operating authority with respect to beams A01-A04, A07, A13, A20, A22-26, B07, B08, B10, B22, and R1 for the EchoStar 14 space station is subject to the terms of its authorization granted on March 10, 2010, (DA 10-497), except as expressly modified in this grant, the technical specifications set forth in its application, the Federal Communications Commission's rules, and the conditions of this attachment.

1. Pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, DISH's request for a waiver of Section 25.215 with respect to beams A01-A04, A07, A13, A20, A22-26, B07, B08, B10, and B22 is GRANTED. Section 25.215 requires DBS space station antennas to be designed to meet a cross-polarization isolation of 30 dB within the primary coverage area of the antenna.¹ DISH states that the cross-polarization isolation for 16 out of 51 transmit spot beams are, in the worst case, less than the 30 dB required by Section 25.215. Commission precedent states that licensees may use cross-polarization isolation that is different from that specified for the Region 2 Broadcasting-Satellite Service Plan if they demonstrate that the difference does not result in interference to other operational or planned systems, including U.S.-licensed systems. In its application, DISH demonstrates that the increase in interference to another DBS satellite network operating on the opposite polarization to EchoStar 14 resulting from a reduction in the EchoStar 14 cross-polarization isolation from 30 dB to 22 dB would be negligible.² As a condition of this waiver, DISH must coordinate the operations of EchoStar 14 with other potentially affected space stations, and operate on a non-harmful interference basis with respect to any DBS space stations that are in compliance with the cross-polarization isolation requirement. Also, because the intra-system cross-polarization isolation must be factored into DISH's own link budgets, DISH shall not claim any more protection from interference from other radiocommunication systems operating in accordance with the Commission's rules than if it met the requirements of Section 25.215.

2. We grant DISH a waiver of Section 25.210(i) of the Commission's rules for its R1 receive spot beam on our own motion. Section 25.210(i) requires space station antennas in the Fixed-Satellite Service to be designed to meet a cross-polarization isolation of 30 dB within the primary coverage area of the antenna.³ The purpose of this rule this rule is to ensure that space station receivers are adequately protected from interference from cross-polarized signals to promote efficient uplink spectrum reuse. DISH maintains that the R1 spot beam beam provides a maximum cross-polarization of 28 dB. In this instance, the only operator that will be affected by the failure of the R1 receive spot beam to achieve 30 dB of cross-polarization isolation will be DISH itself. We grant this waiver with the condition that DISH shall not claim protection against interference to its operations caused by earth stations communicating with other space stations to

¹ 47 C.F.R. § 25.215.

² DISH Operating L.L.C., IBFS File No. SAT-MOD-20100212-00027, Attachment 1 at A1-3 – A1-5.

³ 47 C.F.R. § 25.210(i).

the extent that such interference results from failure of the EchoStar 14 space station to comply with Section 25.210(i).

3. DISH is afforded thirty days from the date of release of this action to decline the authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

4. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately.

**originally filed as SAT-AMD-20100212-00027



*subject to conditions

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(or other identifier)

Term Dates duration of
From 04/29/10 To: underlying license

Approved: Stephen J. Dwall

Stephen J. Dwall
Chief, Satellite Policy Branch

9-16. Name of Contact Representative

Name: Pantelis Michalopoulos **Phone Number:** 202-429-6494
Company: Steptoe & Johnson LLP **Fax Number:**
Street: 1330 Connecticut Ave., NW **E-Mail:** pmichalopoulos@steptoe.com
City: Washington **State:** DC
Country: USA **Zipcode:** 20036-
Attention: **Relationship:** Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- a1. Earth Station
- a2. Space Station

- (N/A) b1. Application for License of New Station
- (N/A) b2. Application for Registration of New Domestic Receive-Only Station
- b3. Amendment to a Pending Application
- b4. Modification of License or Registration
- b5. Assignment of License or Registration
- b6. Transfer of Control of License or Registration
- b7. Notification of Minor Modification
- (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
- (N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
- (N/A) b10. Other (Please specify)
- (N/A) b11. Application for Earth Station to Access a Non-U.S. satellite Not Currently Authorized to Provide the Proposed Service in the Proposed Frequencies in the United States
- (N/A) b12. Application for Database Entry
- b13. Amendment to a Pending Database Entry Application
- b14. Modification of Database Entry

<p>17c. Is a fee submitted with this application? <input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114). <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee <input checked="" type="radio"/> Other (please explain): No fee required for DBS amendment.</p>	<p>17d.</p>
<p>Fee Classification CWY – Space Station Amendment (Geostationary)</p>	
<p>18. If this filing is in reference to an existing station, enter: (a) Call sign of station:</p>	<p>19. If this filing is an amendment to a pending application enter both fields, if this filing is a modification please enter only the file number: (a) Date pending application was filed: 05/18/2009 (b) File number: SATLOA2009051800053</p>

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:

- a. Fixed Satellite
- b. Mobile Satellite
- c. Radiodetermination Satellite
- d. Earth Exploration Satellite
- e. Direct to Home Fixed Satellite
- f. Digital Audio Radio Service
- g. Other (please specify) Direct Broadcast Satellite

21. STATUS: Choose the button next to the applicable status. Choose only one.

- Common Carrier
- Non-Common Carrier

22. If earth station applicant, check all that apply.

- Using U.S. licensed satellites
- Using Non-U.S. licensed satellites

23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:

- Connected to a Public Switched Network
- Not connected to a Public Switched Network
- N/A

24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s).

- a. C-Band (4/6 GHz)
- b. Ku-Band (12/14 GHz)
- c. Other (Please specify upper and lower frequencies in MHz.)

Frequency Lower: 12200 Frequency Upper: 17800 (Please specify additional frequencies in an attachment)

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- a. Fixed Earth Station
- b. Temporary-Fixed Earth Station
- c. 12/14 GHz VSAT Network
- d. Mobile Earth Station
- e. Geostationary Space Station
- f. Non-Geostationary Space Station
- g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY:

- Transmit/Receive
- Transmit-Only
- Receive-Only
- N/A

"For Space Station applications, select N/A."

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an 'X' in the box(es) next to all that apply.)

- a --- authorization to add new emission designator and related service
- b --- authorization to change emission designator and related service
- c --- authorization to increase EIRP and EIRP density
- d --- authorization to replace antenna
- e --- authorization to add antenna
- f --- authorization to relocate fixed station
- g --- authorization to change frequency(ies)
- h --- authorization to add frequency
- i --- authorization to add Points of Communication (satellites & countries)
- j --- authorization to change Points of Communication (satellites & countries)
- k --- authorization for facilities for which environmental assessment and radiation hazard reporting is required
- l --- authorization to change orbit location
- m --- authorization to perform fleet management
- n --- authorization to extend milestones
- o --- Other (Please specify)

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments.

Yes No

ALIEN OWNERSHIP Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?

Yes No

30. Is the applicant an alien or the representative of an alien?

Yes No N/A

31. Is the applicant a corporation organized under the laws of any foreign government?

Yes No N/A

32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes No N/A

33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes No N/A

34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

Yes No

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

Question 36

<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p style="text-align: center;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<p style="text-align: center;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<p style="text-align: center;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
<p>40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.</p> <p style="text-align: right;">Question 40</p>	

41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes.

Yes No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.

Yes No

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

DISH Operating L.L.C. seeks a minor amendment to its application for authority to modify its DBS authorization and to launch and operate the EchoStar 14 satellite on the 21 DBS channels already licensed at the 119 W.L. nominal orbital location. See attached narrative.

Narrative

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

C

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing
Linda Kinney



46. Title of Person Signing
Vice President, Law and Regulation

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

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