

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

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In the Matter of	)	
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<b>ECHOSTAR CORPORATION</b>	)	
	)	File No. SAT-MOD-2010_____
Application for Minor Modification of Authority	)	
To Operate EchoStar 12 at 61.35° W.L.	)	
	)	
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**APPLICATION FOR MINOR MODIFICATION**

By this Application, EchoStar Corporation (“EchoStar”) requests a minor modification of its authority to allow operation of the EchoStar 12 satellite (formerly referred to as Rainbow 1) at 61.35° W.L.<sup>1</sup> The satellite has already been moved to that location and is operating there under special temporary authority granted by the Commission.<sup>2</sup> This request is intended to better accommodate EchoStar 6, which EchoStar has requested authority to redeploy as a spare at 61.65° W.L.

EchoStar is currently operating two licensed Direct Broadcast Satellite (“DBS”) service satellites at the nominal 61.5° W.L. orbital location – EchoStar 3 and EchoStar 12. As the Commission is aware, EchoStar 3 has experienced several transponder failures due to Traveling

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<sup>1</sup> See *R/L DBS Company, LLC, Application for Minor Modification to Direct Broadcast Satellite Authorization, for Issuance of Authority to Launch, and for Authority to Operate Rainbow 1 (USABBS-17)*, Order and Authorization, 18 FCC Rcd. 7694, DA 03-1185, (Apr. 22, 2003) (“Rainbow License”), assigned to EchoStar in *Rainbow DBS Company LLC, Assignor and EchoStar Satellite L.L.C., Assignee, Consolidated Application for Consent to Assignment of Space Station and Earth Station Licenses, and related Special Temporary Authorization*, Memorandum Opinion and Order, 20 FCC Rcd. 16868, FCC 05-177 (Oct. 12, 2005).

<sup>2</sup> See Stamp Grant, File No. SAT-STA-20100203-00021 (granted Feb. 19, 2010) (“EchoStar 12 STA”).

Wave Tube Amplifier (“TWTA”) anomalies, and has been operating at reduced capacity.<sup>3</sup> On January 7, 2010, EchoStar 3 experienced another TWTA anomaly further diminishing its operating capacity. As a result of this failure, EchoStar needed to marshal, at least prophylactically, additional satellite capacity at this orbital location. EchoStar, therefore, has received special temporary authority to relocate EchoStar 6 to 61.65° W.L. and station it there as an in-orbit spare.<sup>4</sup> EchoStar 6 has already arrived at 61.65° W.L. and is being tested. EchoStar 12, for its part, has been moved to 61.35° W.L. for the simple purpose of making more room for EchoStar 6.

The combination of these satellites will ensure that EchoStar’s customer, DISH Network Corporation, will be able to continue providing DBS service to consumers without any service interruptions until EchoStar’s EchoStar 15 satellite begins operating at 61.55° W.L.<sup>5</sup> EchoStar 15, a 32-transponder-capable DBS satellite, is expected to effectively replace EchoStar 3 and will be ready for launch by the third quarter of 2010.<sup>6</sup> In order to accommodate EchoStar 6 at 61.65° W.L. safely prior to the launch of EchoStar 15, EchoStar 12 must be moved to 61.35° W.L.

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<sup>3</sup> See EchoStar 3 Status Report, File No. SAT-STA-20090821-00092 (filed Dec. 30, 2009) (“EchoStar 3 Status Report”); *EchoStar Satellite Operating Corporation, Application for Extension and Modification of Special Temporary Authority to Operate Direct Broadcast Satellite Service over Channels 23 and 24 at the 61.5° W.L. Orbital Location*, Order and Authorization, 22 FCC Rcd. 2223, at ¶¶ 4-6 (2007).

<sup>4</sup> File No. SAT-STA-20100203-00020 (granted Mar. 3, 2010).

<sup>5</sup> EchoStar has previously informed the Commission that it has initiated construction of the satellite at EchoStar’s own risk, and intends to file an application seeking authority to launch and operate the satellite in the immediate future.

<sup>6</sup> See EchoStar 3 Status Report.

**I. THIS APPLICATION IS IN THE PUBLIC INTEREST AND WILL NOT CAUSE HARMFUL INTERFERENCE**

This application is in the public interest for the reasons set forth in the EchoStar 12 STA, which are incorporated herein by reference. Furthermore, grant of this application will ensure safe station-keeping margins for each of the three satellites that will be located at the nominal 61.5° W.L. orbital location, nor will it cause any harmful interference: EchoStar 12 will be operating 0.3 degrees to the east, farther away from the nearest Broadcasting-Satellite Service (“BSS”) satellite other than EchoStar’s satellites, DIRECTV 1R, operating at 72.5° W.L.

**II. TECHNICAL INFORMATION**

The minor move contemplated by this application from 61.65° W.L. to 61.35° W.L. does not change the operating parameters previously provided to the Commission for the EchoStar 12 satellite. Therefore, the technical information provided in the original application is incorporated herein by reference.<sup>7</sup>

**III. WAIVER PURSUANT TO SECTION 304 OF THE ACT**

In accordance with Section 304 of the Communications Act of 1934, as amended, 47 U.S.C. § 304, EchoStar hereby 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.

**IV. CONCLUSION**

For the foregoing reasons, EchoStar respectfully requests the grant of its application for a minor modification of its authority to operate EchoStar 12 at the 61.35° W.L. orbital location.

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<sup>7</sup> File No. SAT-MOD-20020408-00062 (filed Apr. 8, 2002).

Respectfully submitted,

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/s/

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