

S2653 SAT-MOD-20100310-00042 IB2010000816  
EchoStar Corporation  
EchoStar 12

File # SAT - MOD- 20100310 - 00042  
Call Sign S2653 Grant Date 06/09/10  
(or other identifier)  
Term Dates From 06/09/10 To 10/15/13

Approved by OMB  
3060-0678



Approved by  
*Stephen J. Duval*  
Stephen J. Duval  
Chief, Satellite Policy Branch

Date & Time Filed: Mar 10 2010 5:19:04:136PM  
File Number: SAT-MOD-20100310-00042

\* subject to conditions

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 Modification Application to Operate EchoStar 12 at 61.35 W.L.


1-8. Legal Name of Applicant

Name: EchoStar Corporation Phone Number: 303-723-1000  
DBA Name: Fax Number:  
Street: 100 Inverness Terrace East E-Mail:  
City: Englewood State: CO  
Country: USA Zipcode: 80112  
Attention: Linda Kinney - (202)293-0981

Attachment to Grant  
IBFS File No. SAT-MOD-20100310-00042  
Call Sign S2653

The request of EchoStar Corporation (EchoStar) for modification of authority, IBFS File No. SAT-MOD-20100310-00042, is granted. Accordingly, EchoStar is authorized to conduct telemetry, tracking, and telecommand (TT&C) in the 12.2-12.7 (space-to-Earth) and 17.3-17.8 GHz (Earth-to-space) frequency bands necessary to maintain the EchoStar 12 space station (Call Sign S2653) at the 61.35° W.L. orbital location, and to operate the Direct Broadcast Satellite (DBS) communications payload on DBS channels 1-22 and 25-32 on the EchoStar 12 space station in the 12.2-12.7 (space-to-Earth) and 17.3-17.8 GHz (Earth-to-space) frequency bands at the 61.35° W.L. orbital location. This authorization is granted in accordance with the terms, conditions, and technical specifications set forth in EchoStar's application, the Federal Communication Commission's rules, and the conditions of this attachment.

1. EchoStar must maintain the EchoStar 12 satellite at the 61.35° W.L. orbital location with an east/west longitudinal station-keeping tolerance of +/- 0.05 degrees. EchoStar shall not operate the EchoStar 12 satellite outside these station-keeping limits without further authorization.
2. EchoStar is authorized for on-station tracking, telemetry and control (TT&C) communications to operate the telecommand link of EchoStar 12 at the uplink frequency of 17,304 MHz, with vertical or horizontal polarization, and to operate the telemetry and ranging links of EchoStar 12 at each of the downlink center frequencies, 12,205 and 12,697 MHz, with vertical polarization.
3. Pursuant to Section 25.111(c) of the Commission's rules, 47 C.F.R. § 25.111(c), EchoStar shall provide the Commission with all information it requires in order to modify the Appendix 30 BSS Plan and associated Appendix 30A feeder-link Plan to incorporate the characteristics of the BSS space station on the EchoStar 12 satellite, designated as USABSS-17 in the ITU Plan, in accordance with the ITU Radio Regulations. EchoStar shall be held responsible for all cost recovery fees associated with these ITU filings. We also note that no protection from interference caused by radio stations authorized by other Administrations is guaranteed until the agreement of all affected Administrations is obtained and the frequency assignments of USABSS-17 become a part of the appropriate Region 2 BSS and feeder-link Plans. If coordination is not completed and/or the necessary agreements under Appendices 30 and 30A have not been obtained, this authorization may be subject to additional terms and conditions as required to effect coordination or obtain the agreement of other Administrations. EchoStar shall also provide the Commission with the necessary Appendix 4 information required by the ITU Radiocommunication Bureau to advance publish, coordinate and notify the frequencies to be used for tracking, telemetry and control functions of EchoStar 12.
4. EchoStar is afforded 30 days from the date of release of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.
5. 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. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.

 <b>GRANTED</b> International Bureau *subject to conditions	File # <u>SAT-MOD-20100310-00042</u>
	Call Sign <u>S2653</u> Grant Date <u>06/09/10</u> (or other identifier)
	Term Dates From <u>06/09/10</u> To: <u>10/15/13</u>
	Approved: <u>Stephen J. Duall</u> Stephen J. Duall 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?</p> <p><input 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).</p> <p><input type="radio"/> Governmental Entity    <input type="radio"/> Noncommercial educational licensee</p> <p><input checked="" type="radio"/> Other (please explain): No fee for minor modification of DBS license.</p>	
<p>17d.</p> <p>Fee Classification    BFY – Space Station Modification (Geostationary)</p>	
<p>18. If this filing is in reference to an existing station, enter:</p> <p>(a) Call sign of station: S2653</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:</p> <p>(a) Date pending application was filed:</p> <p>(b) File number: SATMOD2003011000009</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



<p>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?</p>	<p> <input type="radio"/> Yes    <input checked="" type="radio"/> No    <input type="radio"/> N/A </p>
<p>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.</p>	

**BASIC QUALIFICATIONS**

<p>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.</p>	<p> <input type="radio"/> Yes    <input checked="" type="radio"/> No </p>
<p>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.</p>	<p> <input checked="" type="radio"/> Yes    <input type="radio"/> No </p> <p style="text-align: right;">Question 36</p>

<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><input type="radio"/> Yes</p>	<p><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><input type="radio"/> Yes</p>	<p><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><input type="radio"/> Yes</p>	<p><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>		

<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.</p>	<p style="text-align: right;">Yes <input checked="" type="radio"/> No <input type="radio"/></p>
<p>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.</p>	<p style="text-align: right;">Yes <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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?</p>	
<p>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.)</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>EchoStar Corporation seeks a minor modification to its authorization to operate the EchoStar 12 satellite at 61.35 W.L. See attached narrative.</p> </div> <p style="text-align: right;">Narrative</p>	

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

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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).

**FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT**

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**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.**

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

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

**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,

\_\_\_\_\_  
/s/

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March 10, 2010