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7 August 2012

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

**Re: Call Sign S2740, SAT-MOD-20100329-00058, SAT-AMD-20100610-00127, SAT-MOD-20120124-00011**

Dear Ms. Dortch:

DISH Operating L.L.C. (“DISH Operating”) files this letter to kindly request action on the above-referenced applications, since the only other party’s objections have been rendered moot by subsequent events.

DISH Operating filed a request for minor modification to allow the EchoStar 7 satellite to operate under permanent authority at 118.8° W.L. on March 29, 2010. DISH Operating subsequently amended this request with a supplemental orbital debris mitigation plan on June 10, 2010, and has since requested renewal of the term of the satellite’s authorization. All of these filings were placed on public notice.<sup>1</sup>

Only Spectrum Five objected to these requests.<sup>2</sup> Spectrum Five’s substantive objections were premised on two grounds: Spectrum Five’s authorizations to provide service into the United States from two “tweener” Direct Broadcast Satellite (“DBS”) space stations to be located at 114.5° W.L.; and its filing for a 17/24 GHz band Broadcast Satellite Service (“BSS”) satellite at 118.8° W.L. Since Spectrum Five voiced its objections, however, the Commission

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<sup>1</sup> See Public Notice, Report No. SAT-000681 (rel. April 16, 2010); Public Notice, Report No. SAT-00703 (rel. July 2, 2010); Public Notice, Report No. SAT-00850 (rel. Mar. 9, 2012).

<sup>2</sup> See Spectrum Five Petition to Dismiss or Deny, *filed in* SAT-MOD-20100329-00058 (May 17, 2010); Spectrum Five Reply in Support of Petition to Deny, *filed in* SAT-MOD-20100329-00058 (June 4, 2010); Spectrum Five Petition to Dismiss or Deny, *filed in* SAT-AMD-20100610-00127 (Aug. 2, 2010); Spectrum Five Reply in Support of Petition to Deny, *filed in* SAT-AMD-20100610-00127 (Aug. 19, 2010).

has declared the company's 114.5° W.L. authorizations null and void.<sup>3</sup> Spectrum Five has filed a petition for reconsideration of the International Bureau's decision, but the existence of such a petition does not stay the effectiveness of the underlying order.

The second objection lodged by Spectrum Five has also been overtaken by events. Spectrum Five has asked to amend its 118.8° W.L. request to instead operate at 119.25° W.L.<sup>4</sup> EchoStar's proposed permanent move of EchoStar 7 to 118.8° W.L. therefore actually *increases* the orbital separation between EchoStar 7 and Spectrum Five's proposed satellite. In fact, this new requested orbital location is 0.45° from EchoStar 7's operations at 118.8° W.L., a distance that, under Spectrum Five's analysis, would provide adequate separation between EchoStar 7 and Spectrum Five's proposed satellite.<sup>5</sup>

DISH Operating therefore kindly requests that the Commission grant the above-referenced applications expeditiously.

Please contact the undersigned if you have any questions.

Respectfully submitted,

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/s/  
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cc: Bill Nelson  
Stephen Duall  
Kathryn Medley

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<sup>3</sup> See Spectrum Five LLC, *Memorandum Opinion and Order*, DA-11-1252 (rel. July 26, 2011).

<sup>4</sup> See Spectrum Five, *Petition for Declaratory Ruling to Serve the U.S. Market from the 118.8° W.L. Orbital Location in the 17/24 Broadcasting Satellite Service Band*, SAT-AMD-20111223-00247 (filed Dec. 23, 2011).

<sup>5</sup> See *id.*, Narrative at 2. DISH Operating reserves the right to file comment on, or object to, Spectrum Five's application, but such comments or objections will not change the fact that Spectrum Five's bases for objecting to EchoStar 7's move to 118.8° W.L. are no longer operative.