

### **Response to Question 36**

In a Memorandum Opinion and Order released May 16, 2002, the Satellite Division of the International Bureau cancelled two conditional construction permits held by affiliates of the applicant DISH Operating L.L.C. (f/k/a EchoStar Satellite Operating L.L.C.) (with its affiliates, “DISH Network”) for 22 channels at the 175° W.L. orbital location. *See In the Matter of EchoStar Satellite Corporation, Directsat Corporation, Direct Broadcasting Satellite Corporation, Consolidated Request for Additional Time to Commence Operation*, Memorandum Opinion and Order, DA 02-1164 (rel. May 16, 2002).

By Order released July 1, 2002, the International Bureau cancelled DISH Network’s license for a Ka-band satellite system and dismissed a related modification application filed by DISH Network. *See In the Matter of EchoStar Satellite Corporation; Application for Authority to Construct, Launch, and Operate a Ka-band Satellite System in the Fixed-Satellite Service*, Memorandum Opinion and Order, DA 02-1534 (rel. July 1, 2002). On November 8, 2002, the International Bureau reinstated DISH Network’s license for a Ka-band system as well as the related modification application. *See In the Matter of EchoStar Satellite Corporation; Application for Authority to Construct, Launch, and Operate a Ka-band Satellite System in the Fixed-Satellite Service*, Memorandum Opinion and Order, DA 02-3085 (rel. Nov. 8, 2002).

In a Memorandum Opinion and Order released April 29, 2004, the International Bureau denied, in part, four applications filed by DISH Network to operate GSO FSS satellites using the Ka and/or Extended Ku-bands at the 83° W.L., 105° W.L, 113° W.L, and 121° W.L orbital locations. *See In the Matter of EchoStar Satellite LLC, Applications for Authority to Construct, Launch, and Operate Geostationary Satellites in the Fixed-Satellite Service Using the Ka and/or Extended Ku Bands at the 83° W.L., 105° W.L, 113° W.L, and 121° W.L orbital*

*locations*, Memorandum Opinion and Order, DA 04-1167 (rel. Apr. 29, 2004). DISH Network's petition for reconsideration of this decision was denied. *See In the Matter of EchoStar Satellite LLC, Petition for Reconsideration, Applications for Authority to Construct, Launch, and Operate Geostationary Satellites in the Fixed-Satellite Service Using the Ka and/or Extended Ku Bands at the 83° W.L., 105° W.L., 113° W.L., and 121° W.L orbital locations*, Memorandum Opinion and Order, DA 06-865 (rel. Apr. 14, 2006).

In a Memorandum Opinion and Order released August 3, 2004, the International Bureau declared null and void the space station authorization held by VisionStar, a DISH Network affiliate, for use of the Ka-band at the 113° W.L. orbital location. *See VisionStar, Inc., Application for Modification of Authority to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed Satellite Service*, Memorandum Opinion and Order, DA 04-2449 (rel. Aug. 3, 2004).

By letter dated May 19, 2005, the Satellite Division of the International Bureau denied DISH Network's applications for a Fleet Management Modification and for a Special Temporary Authority to move the EchoStar 4 satellite to 61.5° W.L., pending the Commission's consideration of another DISH Network request to move the satellite to 77° W.L., on the grounds that the purpose of the proposed fleet management modification was not consistent with the purposes of the Commission's rules and that there were no extraordinary circumstances for the grant of temporary authority. *See* Letter from Thomas S. Tycz, Chief, Satellite Division, International Bureau, FCC to Pantelis Michalopoulos, Counsel to EchoStar Satellite L.L.C., DA 05-1405 (May 19, 2005).

In a Memorandum Opinion and Order released June 3, 2005, the International Bureau denied DISH Network's application for a Special Temporary Authority to move the

EchoStar 4 satellite to 77° W.L. on the grounds that DISH Network had failed to establish extraordinary circumstances for the grant of such authority. *See 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*, Memorandum Opinion and Order, DA 05-1581 (rel. Jun. 3, 2005). However, the International Bureau later granted partial reconsideration of this order and then granted DISH Network's request to move the satellite to 77° W.L. where it would operate pursuant to Mexican authority. *See 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*, Order on Reconsideration, DA 05-2067 (rel. Jul. 25, 2005) and *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*, Order and Authorization, DA 06-868 (rel. Apr. 18, 2006).