



February 24, 2014

By eFile

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

Re: IBFS File No. SAT-MOD-20131030-00126
Call Sign S2811

Dear Ms. Dortch:

EchoStar Satellite Operating Corporation (“EchoStar”) submits this supplemental letter to request that the Commission grant the above-referenced application (“Application”) so as to allow some flexibility in implementing the proposed modification. Specifically, the Commission should permit EchoStar flexibility to continue operating the EchoStar 15 satellite as currently authorized (*i.e.*, pursuant to the Commission’s June 20, 2013 grant of IBFS File No. SAT-MOD-20130503-00066), until such time as EchoStar elects to commence repointing the satellite as proposed in the Application. EchoStar will notify the Commission in writing of its election within 30 days prior to commencing satellite operations on a repointed basis. If EchoStar later seeks to change back to the prior mode of operations, it will obtain additional Commission authorization prior to doing so.

Additionally, EchoStar requests a waiver of Section 25.114 of the Commission’s rules¹ to permit the flexibility afforded under new Section 25.114(c)(4)(vi)(D), which allows applicants, with respect to space stations with non-shapeable steerable beams, either to specify the applicable contours with a description of the area that the steerable beam is expected to serve or to provide certain contour information.² This new rule was adopted on August 9, 2013, as part of the Commission’s comprehensive revisions to the Part 25 rules, but the revisions are awaiting approval by the Office of Management and Budget to become effective.³ The Commission may waive its rules upon a showing of “good

¹ 47 C.F.R. § 25.114.

² See *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Report and Order, 28 FCC Rcd 12403, App. B (Final Rules) (2013) (“*Satellite Comprehensive Review Order*”).

³ See 79 Fed. Reg. 8308 (2013).

cause,”⁴ which may be found when a waiver would not undermine the underlying purposes of the rule and otherwise would serve the public interest.⁵ Here, the requested waiver will serve the public interest and is consistent with the underlying purposes of Section 25.114 to ensure that applicants provide sufficient information to the Commission and the public regarding their proposed systems, while imposing a minimal burden upon applicants.⁶ Specifically, the requested waiver will minimize the burden upon EchoStar and allow it flexibility in providing contour information, while ensuring that the Commission and the public have sufficient information regarding the proposed modification. The Commission similarly has waived the application of its existing rules pending the effective date of new rules expected to be adopted in the near future.⁷

Consequently, subject to grant of the requested waiver, EchoStar is submitting relative gain isoline contour information, consistent with new Section 25.114(c)(4)(vi)(D) of the Commission’s rules, regarding its proposed satellite operations on a repointed basis. Additional technical information is provided in the Attachment.

Please direct any questions regarding this matter to the undersigned.

Sincerely,

/s/ Jennifer A. Manner
Jennifer A. Manner
Vice President of Regulatory Affairs

Attachment

cc: Karl Kensinger
Kathryn Medley
Stephen Duall
Chip Fleming

⁴ 47 C.F.R. § 1.3.

⁵ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁶ See *Satellite Comprehensive Review Order* ¶¶ 74, 93.

⁷ See *International Bureau Adopts Policy of Granting Interim Waiver of Certain Requirements for Space Station Applications*, Public Notice, 29 FCC Rcd 664 (IB 2014); *The Merger of MCI Communications Corp. and British Telecommunications plc*, 12 FCC Rcd 15351, ¶¶ 286-87 (1997).