

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

In the Matter of)

EchoStar BSS Corporation)

Application for Modification of Space)
Station Authorization for the EchoStar 15,)
EchoStar 16, and EchoStar 18 Satellites at)
the Nominal 61.5° W.L. to Add Channels 1)
and 2 to Each of the Authorizations)

) File No. SAT-MOD-2024_____

) Call Sign: S2811 (EchoStar 15)

) File No. SAT-MOD-2024_____

) Call Sign: S2844 (EchoStar 16)

) File No. SAT-MOD-2024_____

) Call Sign: S2931 (EchoStar 18)

APPLICATION FOR MODIFICATION OF SPACE STATION AUTHORIZATIONS

Pursuant to Sections 308, 309 and 319 of the Communications Act of 1934, as amended, and Part 25 of the Commission's rules,¹ EchoStar Corporation, DISH Satellite Services Corporation and DISH Operating L.L.C. (individually or together with its affiliates "EchoStar") file this application to modify the authorizations for the EchoStar 15, EchoStar 16, and EchoStar18 satellites

Specifically, EchoStar seeks to add the two channels (Channels 1 and 2) it has been using under grants of Special Temporary Authority ("STA") to its permanent authorizations for the 61.5° W.L. orbital location. Grant of this application will serve the public interest by allowing EchoStar to preserve and improve the DBS service provided from 61.5° W.L. to millions of households.

¹ 47 U.S.C. §§ 308, 309, 319; 47 C.F.R. §§ 25.114, 25.117, 25.148.

I. INTRODUCTION AND BACKGROUND

EchoStar's affiliate, DISH Network L.L.C. ("DISH Network"), is the operator of the DISH Network television service, the nation's third largest multichannel video programming service. To provide this service, EchoStar utilizes capacity on 13 owned and leased satellites operating in the DBS and Fixed Satellite Service ("FSS") frequency bands. At the nominal 61.5° W.L. orbital location, EchoStar is already licensed to operate over 30 of the available 32 DBS channels (specifically channels 3-32).² It also operates over the remaining two channels under STA.³ Currently, EchoStar provides service over these channels from the 61.5° W.L. cluster utilizing the EchoStar 15 and EchoStar 16 satellites. The EchoStar 18 satellite is also located at

² Originally, channels 2-22 (even) were licensed to Direct Broadcasting Satellite Corporation. See Application of Direct Broadcasting Satellite Corp., *Memorandum Opinion and Order*, 8 FCC Rcd. 7959 (1993). Those 11 channels were then assigned to EchoStar's predecessor-in-interest, DBSC. See Application of Direct Broadcasting Satellite Corp. for Assignment of Direct Broadcasting Satellite Orbital Positions and Channels, *Order*, 11 FCC Rcd. 10494 (1996). Channels 1-21 (odd) and the STA for unassigned channels 23 and 24 were assigned to EchoStar by Rainbow DBS Company L.L.C. in 2005. See Rainbow DBS Company, LLC, Assignor and EchoStar Satellite L.L.C., Assignee, *Memorandum Opinion and Order*, 20 FCC Rcd. 16868 (2005). Channels 25-32 were assigned to EchoStar from Dominion in 2006. See EchoStar Satellite Operating Corporation, File No. SAT-ASG-20070608-00081 (Stamped Grant Sept. 27, 2007). In 2012, the Commission approved a channel swap proposed by EchoStar so that it could permanently operate over channels 23 and 24 in turn for making channels 1-2 unassigned and used by EchoStar under STA. See EchoStar Operating Corporation, File No. SAT-MOD-20120301-00033, *Order and Authorization*, DA 12-993 (June 22, 2012).

³ The two channels have been used by EchoStar or Rainbow DBS under STA for over 23 years. See, e.g., Letter from Thomas Tycz, FCC, to David Moskowitz, EchoStar Satellite Corporation, File No. SAT-STA-19980827-00068; EchoStar Satellite Corporation and Rainbow DBS Company LLC, File No. SAT-STA-20030617-00117, *Order and Authorization*, DA 03-3024 (Oct. 1, 2003); Rainbow DBS Company, LLC, Assignor and EchoStar Satellite L.L.C., Assignee, *Memorandum Opinion and Order*, 20 FCC Rcd. 16868 (2005); EchoStar BSS Corporation, File No. SAT-STA-20110902-00171 (granted June 22, 2012) (initial grant to operate S2844 on channels 1 and 2); EchoStar BSS Corporation, File No. SAT-STA-20210708-00087 (granted Aug. 26, 2021) (renewing authority to operate S2844 on channels 1 and 2).

the nominal 61.5° W.L. orbital location. EchoStar uses EchoStar 16 to provide service to consumers with EchoStar 15 and 18 currently serving as in-orbit spares.

In 2004, the Commission held Auction No. 52 to assign the unassigned DBS channels at 61.5° W.L., 157° W.L., 166° W.L., and 175° W.L.⁴ In 2005, the United States Court of Appeals for the D.C. Circuit invalidated the auction and remanded the *DBS Auction Order* back to the Commission.⁵ In response, the Commission adopted a freeze on all new DBS service applications for the unassigned channels.⁶ In 2019, the Commission announced it was lifting the freeze.⁷ The *Report and Order* took effect on August 16, 2024.⁸

EchoStar files these modification applications for the two unassigned channels at 61.5° W.L.

II. THIS APPLICATION IS TECHNICALLY AND LEGALLY COMPLETE

In previous applications, EchoStar has already submitted, and the Commission has already approved, all of the technical information required by Part 25 of the Commission's Rules, including Sections 25.114 and 25.148, and hereby incorporates that material in this application.⁹

⁴ See Auction of Direct Broadcast Satellite Licenses, *Order*, 19 FCC Rcd 820 (2004) (“*DBS Auction Order*”).

⁵ See *Northpoint Technology, Ltd. v. FCC*, No. 04-1052 (D.C. Cir. 2005).

⁶ Public Notice, FCC, Direct Broadcast Satellite (DBS) Service Auction Nullified, FCC 05-213 (Dec. 21, 2005).

⁷ Amendment of the Commission's Policies and Rules for Processing Applications in the Direct Broadcast Satellite Service, IB Docket No. 06-160, *Report and Order*, FCC 19-93 ¶ 30 (2019).

⁸ Amendments to Rules for Direct Broadcast Satellite Services, 86 Fed. Reg. 49484 (July 17, 2024); Processing Applications in the Digital Broadcast Satellite Service, 86 Fed. Reg. 49484 (Sept. 3, 2021).

⁹ See DISH Satellite Services, File No. SAT-MOD-20181016-00078, Technical Annex (granted Dec. 4, 2018) (granting modification to expand authorization from TT&C operations to operate

The attached Form 312 demonstrates EchoStar's compliance with the Commission's basic legal qualifications. EchoStar holds numerous FCC satellite licenses, and its legal qualifications are a matter of record before the Commission.¹⁰ EchoStar's operations are, and will continue to be, in compliance with the Commission's geographic service requirements.¹¹ EchoStar is also in, and will continue to be in, compliance with the Commission's orbital debris mitigation rules.¹²

EchoStar intends to continue to operate all the transponders on a non-broadcast, non-common carrier basis.¹³ The capacity will be used by EchoStar's subsidiary, DISH Network, to provide multichannel video programming services on a subscription basis across the United States and parts of the Caribbean.

III. GRANT OF THIS APPLICATION WILL SERVE THE PUBLIC INTEREST

Grant of this application will serve the public interest because it will allow DISH Network to continue and expand the innovative video programming services it offers to millions of American consumers. Operation on these two channels is essential to continuing to provide these millions of customers service. In addition, because EchoStar is already operating over the two channels, EchoStar is the only provider that can put the channels to immediate use. Grant of

S2811/EchoStar 15 on channels 3-32); DISH Satellite Services Corporation, File No. SAT-MOD-20120829-00144, Technical Annex (granted Nov. 19, 2012) (granting modification to update technical operating parameters); DISH Operating L.L.C., File No. SAT-MOD-20160722-00067, Technical Annex (granted Sept. 8, 2016) (granting modification for S2931/EchoStar 18 to move to and operate as in-orbit spare at 61.35° W.L.).

¹⁰ See, e.g., EchoStar BSS Corporation, File No. SAT-ASG-20190607-00044 (granted June 24, 2019) (granting assignment of EchoStar 15 and 16 to EchoStar from EchoStar Satellite Operating Corporation).

¹¹ See 47 C.F.R. § 25.148(c).

¹² See 47 C.F.R. § 25.114(d)(14).

¹³ See 47 C.F.R. §§ 25.114(c)(11), 25.114(d)(11).

this application also will allow EchoStar to continue to provide meaningful competition to terrestrial providers – cable operators, telephone companies, and streaming services. By increasing competition in the multichannel video programming distributor (“MVPD”) market, consumers will benefit through greater choice, more services, and lower rates.

There are also no countervailing considerations to these public interest benefits because EchoStar’s operations has not, and will not, cause harmful interference to any other authorized user of spectrum. It is currently using the two channels in the same manner it would if they are assigned permanently, just without conditions related to its current temporary status. It has already coordinated with all potential affected users. And there have been no complaints with EchoStar’s existing operations over these two channels.

IV. ITU COST RECOVERY

EchoStar is aware that as a result of the actions taken at the 1998 Plenipotentiary Conference, as modified by the ITU Council in June 2001, processing fees are now charged by the ITU for satellite network filings. As a consequence, Commission applicants are responsible for any and all fees charged by the ITU. EchoStar affirms it is aware of, and unconditionally accepts, this requirement and its responsibility to pay any ITU cost recovery fees for the ITU filings associated with this application. Invoices for such fees may be sent to the contact representative listed in the accompanying FCC Form 312.

V. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests that the Commission promptly grant this modification application to add DBS channels 1 and 2 as part of the permanent authorizations for the EchoStar 15, EchoStar 16, and EchoStar 18 satellites as in the public interest, convenience, and necessity.

Respectfully submitted,

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