

FCC/MELLON

OCT 06 1999

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
EchoStar Satellite Corporation)
)
Application for Renewal of its)
Special Temporary Authority to)
Operate a Direct Broadcast Satellite)
Over Channels 1-31 (odd) and 2-26 (even))
at the 110.2° W.L. orbital location)
_____)

SAT-STA-19991006-00102
ECHOSTAR SATELLITE CORPORATION
EchoStar 4
File No. _____

**REQUEST OF ECHOSTAR SATELLITE CORPORATION FOR
RENEWAL OF ITS SPECIAL TEMPORARY AUTHORITY TO OPERATE
A DIRECT BROADCAST SATELLITE OVER CHANNELS 1-31
(ODD) AND 2-26 (EVEN) AT THE 110.2° W.L. ORBITAL LOCATION**

Pursuant to Section 309(f) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(f), EchoStar Satellite Corporation (“EchoStar”) hereby requests renewal of its Special Temporary Authority (“STA”) allowing it to continue to operate a Direct Broadcast Satellite (“DBS”), EchoStar 4, over channels 1-31 (odd) and 2-26 (even) at the 110.2° W.L. orbital location for a period of 180 days from initial operation of EchoStar 5 or until completion of in-orbit testing and initial operation of EchoStar 6,¹ whichever is earlier. EchoStar currently operates EchoStar 4 over the requested channels at 110° W.L. pursuant to a Special Temporary Authorization, which is set to expire on the earlier of 180 days from June 24, 1999 or completion

¹ EchoStar 6 is expected to be launched in the second quarter of 2000.

of in-orbit testing and initial operation for EchoStar 5. EchoStar 5 was successfully launched on September 23, 1999 and has reached geostationary orbit. In-orbit testing of the satellite has begun and is expected to continue through November 1999. EchoStar now seeks Special Temporary Authority to operate EchoStar 4 at 110° W.L. until all in-orbit testing of EchoStar 6 is complete and that satellite has commenced operation. The requested STA renewal is in the public interest as it will enable EchoStar to continue the transition of its subscribers to its new dramatically expanded package of multichannel video services. In fact, the requested renewal will allow EchoStar to provide more services to its subscribers at an earlier date, as EchoStar will be able to start providing service from two satellites (EchoStar 5 and EchoStar 4) at the 110° W.L. orbital location prior to the deployment of EchoStar 6. EchoStar will not cause harmful interference to any authorized user of the spectrum: EchoStar is already licensed to operate over the channels in question (29 channels at 110° W.L.) and will simply operate a different satellite over its authorized channels at 110.2° W.L. until the EchoStar 6 satellite has commenced operation.

Shortly after the commencement of operation of EchoStar 6, EchoStar still intends to return EchoStar 4 to the 148° W.L. orbital location.

I. BACKGROUND

EchoStar has authority to construct, launch and operate a two-satellite DBS system (consisting of EchoStar 5 and EchoStar 6) over channels 1-31 (odd) and 2-26 (even) at the 110° W.L. orbital location.² To facilitate the transition of its offering to the dramatically

² See *In re Application of MCI Telecommunications Corporation, Assignor and EchoStar 110 Corporation, Assignee; For Consent to Assignment of Authorization to Construct*,
(Continued ...)

expanded package that these two satellites will allow, EchoStar received an STA to operate temporarily another satellite, EchoStar 4, at 110.2° W.L. EchoStar 4 is currently operational at the 110.2° W.L. orbital location. That STA is set to expire on the earlier of December 21, 1999 or completion of in-orbit testing and initial operation of EchoStar 5.³ On September 23, 1999, EchoStar launched the first of the two licensed satellites, EchoStar 5, to 110° W.L.⁴ The EchoStar 6 satellite is expected to be launched in the second quarter of 2000.

II. GRANT OF SPECIAL TEMPORARY AUTHORITY TO ECHOSTAR IS IN THE PUBLIC INTEREST AND WILL NOT CAUSE HARMFUL INTERFERENCE

The Commission has a long-standing practice of granting Special Temporary Authority where such authorization of temporary use will serve the public interest, convenience and necessity. *See, e.g., In the Matter of American Telephone & Telegraph Company*, 8 FCC Rcd. 8742, 8742 (1993) (“Granting the AT&T request will serve the public interest, convenience and necessity . . . [It] will allow AT&T to continue to provide service to its TELSTAR 301 customers while ensuring that TELSTAR 301 is fully operational before it is placed into service.”); *see also In the Matter of Hughes Communications Galaxy, Inc.*, 10 FCC Rcd. 11024,

Launch, and Operate a Direct Broadcast Satellite System Using 28 Frequency Channels at the 110 [degrees] W.L. Orbital Location; In re Application of American Sky Broadcasting, LLC, Assignor and EchoStar North America Corporation, Assignee; For Consent to Assignment of Transmit-Receive Earth Station Authorizations, Order and Authorization, FCC 99-109 (rel. May 19, 1999) (assigning from MCI to EchoStar operating authority for channels 1-31 (odd) and 2-22 (even) and 26); *see also EchoStar Satellite Corporation*, Memorandum Opinion and Order, DA 99-1785 (rel. Sept. 1, 1999) (granting operating authority to EchoStar for channel 24).

³ *See EchoStar Satellite Corporation*, Order, DA 99-1176 (rel. June 16, 1999).

⁴ *See In re Application of MCI telecommunications Corporation*, 12 FCC Rcd. 12538 (1996).

11024 (1995) (“Grant of this modification will provide an opportunity for the public to continue receiving services from Galaxy III . . . grant of Hughes’s application will serve the public interest, convenience and necessity.”); *In the Matter of Columbia Communications Corporation*, 11 FCC Rcd. 8639, 8640 (1996) (“Granting Columbia’s request, subject to a non-interference condition, will serve the public interest, convenience and necessity . . . [It] presents Columbia with an opportunity to provide immediate interim service . . . reliev[ing] the present shortage of U.S. domestic and transAtlantic C-band capacity and also allow[ing] Columbia to provide expanded service options to new and existing customers.”).

EchoStar’s request for renewal of its Special Temporary Authority will serve the public interest. Renewal of the STA will enable EchoStar to continue the transition of its subscribers to its new dramatically expanded package of multichannel video services. In fact, the requested authorization will allow EchoStar to provide more services to its subscribers at an earlier date, as EchoStar will be able to start providing service from two satellites (EchoStar 5 and EchoStar 4) at the 110° W.L. orbital location prior to the deployment of EchoStar 6.

EchoStar’s use of the requested channels will not cause harmful interference to any authorized user of the spectrum. As indicated above, EchoStar is already licensed to operate over all the channels at issue. EchoStar is simply requesting authority to continue using a different satellite over those channels. Upon completion of in-orbit testing and initial operation of EchoStar 6, EchoStar intends to move EchoStar 4 to the 148° W.L. orbital location.

III. SECTION 304 WAIVER

In accordance with Section 304 of the Communications Act of 1934, 47 U.S.C.

§ 304, EchoStar hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum because of the previous use of the same, whether by license or otherwise.

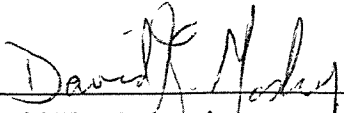
IV. CONCLUSION

Accordingly, EchoStar respectfully requests a renewal of its Special Temporary Authority to operate EchoStar 4 over channels 1-31 (odd) and 2-26 (even) at the 110.2° W.L. orbital location for a period of 180 days from initial operation of EchoStar 5 or until completion of in-orbit testing and initial operation of EchoStar 6, whichever is earlier.

Respectfully submitted,

EchoStar Satellite Corporation

By:



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Dated: October 6, 1999

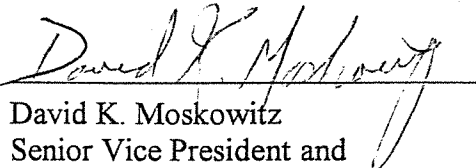
ANTI-DRUG ABUSE CERTIFICATION

Pursuant to Section 1.2002 of the Commission's Rules, 47 C.F.R. § 1.2002 (1997), Applicant certifies that neither Applicant nor any of their shareholders, nor any of their officers or directors, nor any party to this Application are subject to a denial of Federal benefits pursuant to authority granted in Section 5301 of the Anti-Drug Abuse Act of 1988.

Respectfully submitted,

EchoStar Satellite Corporation

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