

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

FCC/MELLON

JAN 04 2001

In the Matter of)
)
)

EchoStar Satellite Corporation)
)

Application for Renewal)
of Special Temporary Authority)
to Operate a Direct Broadcast Satellite)
at the 119.35° W.L. Orbital Location)
_____)

SAT-STA-20010104-00003
EHOSTAR SATELLITE CORPORATION
EchoStar 4

**REQUEST OF EHOSTAR SATELLITE CORPORATION
FOR RENEWAL OF SPECIAL TEMPORARY AUTHORITY**

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 extension, to the extent necessary, of its Special Temporary Authority (“STA”)¹ to operate a Direct Broadcast Satellite (“DBS”), EchoStar 4, at the 119.35° W.L. orbital location (close to its authorized 119.2° W.L.² and 118.9° W.L.³ orbital locations) for a period of

¹ See File No. SAT-STA-20000712-00113 (filed July 12, 2000) (requesting an extension of prior STA, File No. SAT-STA-19991217-00132, *granted* January 14, 2000).

² See *EchoStar Satellite Corporation*, Memorandum Opinion and Order, 13 FCC Rcd. 8595 (1998).

³ *In the Matter of EchoStar Satellite Corporation Application for Authority to Make Minor Modifications to Direct Broadcast Satellite Authorizations, Launch and Operation Authority*, Memorandum Opinion and Order, DA 00-2382, ¶ 2 (rel. Nov. 27,

(Continued ...)

180 days over up to 21 channels (2-21 odd and even) at 119.35° W.L. While EchoStar 4 has been relocated from 119.35° W.L. to 118.9° W.L.,⁴ EchoStar respectfully requests renewal of the subject STA in order to maintain the necessary flexibility for operating six satellites, three of which are located in the nominal 119° W.L. orbital slot.

I. BACKGROUND

Until recently, EchoStar 4 was operating from the 119.35° W.L. orbital location under the subject Special Temporary Authority.⁵ In October of 2000, EchoStar 4 was relocated to 118.9° W.L., and EchoStar 6 to 119.05° W.L.⁶ This transition enables the states of Alaska and Hawaii to receive enhanced service from the nominal 119° W.L. orbital location since EchoStar 4 and EchoStar 6 can serve Alaska and Hawaii from 119° W.L. with a smaller dish than can EchoStar 1 and 2. Moreover, the relocation of EchoStar

2000), File No. SAT-MOD-20000607-00099 (“Relocation MO&O”) (modifying File Nos. SAT-MOD-19971230-00231, SAT-MOD-19971230-00235, and DBS 88-01).

⁴ See Letter to Magalie R. Salas, Secretary, Federal Communications Commission, from Pantelis Michalopoulos and Omer C. Eyal, attorneys for EchoStar Satellite Corporation, dated October 11, 2000.

⁵ See File No. SAT-STA-20000712-00113 (filed July 12, 2000).

⁶ See Letter to David K. Moskowitz, Senior Vice President and General counsel of EchoStar Satellite Corporation from Thomas S. Tycz, Chief, Satellite and Radiocommunication Division, dated August 10, 2000 (authorizing EchoStar to relocate EchoStar 2, EchoStar 4, and EchoStar 6 to their respective present locations); See Letter to Magalie R. Salas, Secretary, Federal Communications Commission, from Pantelis Michalopoulos and Omer C. Eyal, attorneys for EchoStar Satellite Corporation, dated October 11, 2000 (notifying the Commission of subsequent satellite relocations to and from the 119.35° W.L. orbital location); see also Relocation MO&O, ¶¶ 2 & 14 (authorizing operations in the present orbital locations for EchoStar 2, EchoStar 4, and EchoStar 6, and noting the relocation of EchoStar 1 to 148° W.L.).

1 to 148° W.L. helps further enhance EchoStar's service to Alaska and Hawaii.

Nonetheless, the relocation of EchoStar 4 to 118.9° W.L. does not obviate EchoStar's need for continuing flexibility in its operation of this complex fleet of satellites. EchoStar, therefore, respectfully requests renewal of the subject STA in order to maintain this essential flexibility.

II. GRANT OF ECHOSTAR'S RENEWAL REQUEST FOR SPECIAL TEMPORARY AUTHORITY WILL NOT CAUSE ANY HARMFUL INTERFERENCE AND WILL SERVE THE PUBLIC INTEREST

The Commission has a long-standing policy of granting Special Temporary Authority where such authorization will not cause harmful interference and will serve the public interest, convenience and necessity. *See, e.g., In the Matter of American Telephone & Telegraph Company*, Order, 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.*, Order, 10 FCC Rcd. 11024, 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*, Order, 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.”); *In the Matter of the Applications of Newcomb Communications, Inc.*, Order and Authorization, 8 FCC Rcd. 3631, 3633 (1993).

EchoStar’s use of the requested channels will not cause harmful interference to any authorized user of the spectrum. To the west of 119.35° W.L., there is currently no operational DBS satellite in the immediate or even remote vicinity. To the east of 119.35° W.L., DirecTV Enterprises, Inc. (“DirecTV”) is the only licensed entity (other than EchoStar) at or near 119° W.L. If anything, a move of EchoStar 4 to 119.35° W.L. would even further attenuate any possibility of interference between EchoStar 4 and DirecTV’s satellites. In addition, the operation of EchoStar’s assigned channels from EchoStar 4 has no implications whatsoever for DirecTV’s operations.

Moreover, the instant STA extension request is in the public interest as it will enable EchoStar to maintain the necessary flexibility for providing enhanced programming service to Alaska and Hawaii from the 119° W.L orbital location and help it provide new expanded packages of multichannel video services to its current mainland subscribers in conjunction with the 110° W.L. orbital location. *See Newcomb Communications, Inc.*, 8 FCC Rcd. 3631, 3632 (1993).

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

For the foregoing reasons, EchoStar hereby requests renewal of its Special Temporary Authority to operate a Direct Broadcast Satellite, EchoStar 4, over up to 11 odd channels (1-21 (odd)) and 10 even channels (2-20 (even)) at the 119.35° W.L. orbital location for a period of 180 days.

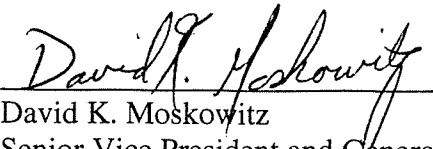
Respectfully submitted,

EchoStar Satellite Corporation

Pantelis Michalopoulos
James M. Talens
Omer C. Eyal
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000

Counsel for EchoStar
Satellite Corporation

Dated: January 4, 2001


David K. Moskowitz
Senior Vice President and General Counsel
EchoStar Satellite Corporation
5701 South Santa Fe
Littleton, CO 80120
(303) 723-1000

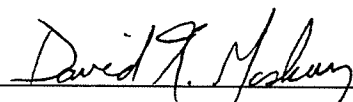
ANTI-DRUG ABUSE CERTIFICATION

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

By:



David K. Moskowitz
Senior Vice President and
General Counsel

EchoStar Satellite Corporation
5701 South Santa Fe
Littleton, CO 80120
(303) 723-1000

Dated: January 4, 2001.