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December 21, 2001

VIA HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
International Bureau, Satellites
P.O. Box 358210
Pittsburgh, PA 15251-5210

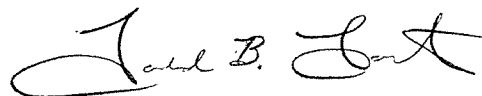
**Re: Request of EchoStar Satellite Corporation for Renewal of Special
Temporary Authority to Operate its Satellite at the 119.35° W.L. Orbital
Location**

Dear Ms. Salas:

On behalf of EchoStar Satellite Corporation, enclosed please find for filing an original and nine copies of an application for renewal, to the extent necessary, of its Special Temporary Authority to operate EchoStar 4 over channels 1-21 (odd and even) at the 119.35° W.L. orbital location.

Also enclosed is a check in the amount of \$135.00 for the applicable filing fee, a completed FCC Form 159, and an additional copy, which we ask you to date stamp and return with our messenger.

Respectfully submitted,



Pantelis Michalopoulos
Todd B. Lantor

Enclosures

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

Approved by OMB
3060-0589
Page No 1 of 1

(1) LOCKBOX # 358210

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Steptoe & Johnson LLP

(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)

\$135.00

(4) STREET ADDRESS LINE NO. 1

1330 Connecticut Avenue, N.W.

(5) STREET ADDRESS LINE NO. 2

Attn: Pantelis Michalopoulos

(6) CITY

Washington

(7) STATE

DC

(8) ZIP CODE

20036-1795

(9) DAYTIME TELEPHONE NUMBER (include area code)

(202) 429-6482

(10) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0003-7546-29

(12) PAYER (TIN)

521349790

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

EchoStar Satellite Corporation

(14) STREET ADDRESS LINE NO. 1

5701 South Santa Fe

(15) STREET ADDRESS LINE NO. 2

Attn: David K. Moskowitz

(16) CITY

Littleton

(17) STATE

CO

(18) ZIP CODE

80120

(19) DAYTIME TELEPHONE NUMBER (include area code)

(303) 723-1000

(20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

0004-2658-80

(22) APPLICANT (TIN)

841114039

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID

EchoStar 4

(24A) PAYMENT TYPE CODE

MGD

(25A) QUANTITY

1

(26A) FEE DUE FOR (PTC)

\$135.00

(27A) TOTAL FEE

\$135.00

FCC USE ONLY

(28A) FCC CODE 1

(29A) FCC CODE 2

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY

(26B) FEE DUE FOR (PTC)

(27B) TOTAL FEE

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, David K. Moskowitz, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.

SIGNATURE

David K. Moskowitz

DATE

12/21/01

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31)

MASTERCARD

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION
DATE:

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.

SIGNATURE _____

DATE _____

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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)
_____)

File No. _____
SAT-STA-20011221-00144
EchStar Satellite Corporation
EchoStar 4

**REQUEST OF ECHOSTAR 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-20010626-00060 (filed June 26, 2001) (requesting an extension of prior STA, File No. SAT-STA-20010104 (filed Jan. 4, 2001)); see also File Nos. SAT-STA-20000712-00113 (filed July 12, 2000); SAT-STA-19991217-00132, granted Jan. 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*

(Continued ...)

180 days over up to 21 channels (1-21 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

Just last year, EchoStar 4 was operating from the 119.35° W.L. orbital location under the subject Special Temporary Authority.⁵ In October 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

Operation Authority, Memorandum Opinion and Order, 15 FCC Rcd. 23636, 23636 (2000) (“*Relocation MO&O*”).

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* at 23636, 23642 (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, to the extent necessary, 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. In sum, grant of the instant STA will assist the public in “receiv[ing] services that would not otherwise be available.” *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

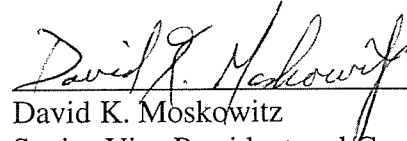
of the electromagnetic spectrum because of the previous use of the same, whether by license or otherwise.

IV. CONCLUSION

For the foregoing reasons, EchoStar hereby requests renewal of its Special Temporary Authority, to the extent necessary, 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



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

Pantelis Michalopoulos
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Steptoe & Johnson LLP
1330 Connecticut Ave., N.W.
Washington, DC 20036-1795
(202) 429-3000

Counsel for EchoStar
Satellite Corporation

Dated: December 21, 2001

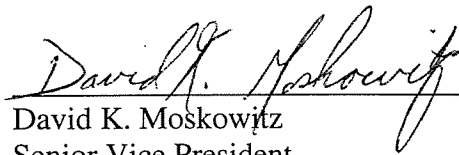
ANTI-DRUG ABUSE ACT CERTIFICATION

Pursuant to Section 1.2002 of the Commission's rules, 47 C.F.R. Section 1.2002 (1997), Applicants certify that neither the Applicants nor any of their shareholders, not any of their officers or directors, 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: December 21, 2001