



ECHO STAR SATELLITE CORPORATION JAN 30 2003
A Part of the EchoStar Group of Companies

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January 15, 2003

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VIA HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
International Bureau - Satellites
P.O. Box 358210
Pittsburgh, PA 15251-5210

SAT-STA-20030115-00002
EchoStar Satellite Corporation
ECHO STAR 2

**Re: Application for Renewal of Special Temporary Authority to Operate
a Direct Broadcast Satellite Over the Even-Numbered Channels
at the 148° W.L. Orbital Location
File Nos. SAT-STA-20011025-00091; SAT-STA-20020123-00014**

EXPEDITED CONSIDERATION REQUESTED

Dear Ms. Dortch:

Pursuant to Section 309(f) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(f), and Section 25.120 of the Commission's Rules, 47 C.F.R. § 25.120, EchoStar Satellite Corporation ("EchoStar") hereby requests renewal of the above-referenced Special Temporary Authority ("STA") for a period of 180 days to operate the EchoStar 2 satellite from the 148° W.L. orbital location over the 16 even-numbered DBS channels at that location (8 of which are already licensed to EchoStar). Enclosed is an FCC Form 159 and a check in the amount of \$145.00 to cover applicable filing fees. Also enclosed is an additional copy of this letter, which we ask that you date stamp and return with our messenger.

On October 25, 2001, EchoStar filed with the Commission an application for minor modification of its DBS authorization seeking authority to relocate the EchoStar 2 satellite from the 119° W.L. to the 148° W.L. orbital location and to operate that satellite over the eight even-numbered channels that were already licensed to EchoStar at that location. At that time, EchoStar also requested an STA for authority to operate EchoStar 2 over the 8 assigned and 8 unassigned even-numbered channels at 148° W.L.¹

¹ See Application for Minor Modification of DBS Authorization, File No. SAT-MOD-20011025-00090 (filed Oct. 25, 2001) ("Modification Application"); Application for Special
(Continued...)

On November 21, 2001, the International Bureau issued EchoStar a verbal STA permitting it to move EchoStar 2 from 119° W.L. to 148° W.L. On December 21, 2001, the Bureau also issued EchoStar a verbal STA for 30 days to operate EchoStar 2 using the eight even-numbered channels assigned to it at 148° W.L. On December 28, 2001, the Bureau confirmed these November 21, 2001 and December 21, 2001 verbal STAs, granted EchoStar authority to operate EchoStar 2 using the 8 unassigned even-numbered channels at 148° W.L. for a period of 30 days, and extended the STA for EchoStar's 8 assigned channels at 148° W.L. to run concurrently with the period for the 8 unassigned channels.² On January 23, 2002 and July 16, 2002, EchoStar filed requests for renewal of STA to operate the EchoStar 2 satellite from the 148° W.L. orbital location over the 16 even-numbered DBS channels at that location for a period of up to 180 days.³ EchoStar hereby renews its request for STA for an additional 180 days, effective January 22, 2002.

In accordance with these STAs, EchoStar 2 has been relocated to 148° W.L. and is now operating at that location. EchoStar has also redeployed other satellite capacity to use all of the 21 DBS channels licensed to EchoStar at the 119° W.L. orbital location. The same reasons that warranted the previous grants of authority to move EchoStar 2 to 148° W.L. and to allow EchoStar to operate over the 16 even-numbered DBS channels at that location justify the requested STA renewal. The relocation of EchoStar 2 to 148° W.L. is part of a broader effort on EchoStar's part to use spectrum efficiently.

EchoStar has operating authority for 24 DBS channels (all 16 odd-numbered channels and even-numbered channels 2 through 16) at 148° W.L. Since 2000, EchoStar has been using the 16 odd-numbered channels at that location on its EchoStar 1 satellite, which was moved to 148° W.L. at that time. The Modification Application requests authority for

at the 148° W.L. Orbital Location, File No. SAT-STA-20011025-00091 (filed Oct. 25, 2001) (Attachment 1).

² See *Letter from Thomas S. Tycz, Chief, Satellite and Radiocommunication Division, International Bureau, Federal Communications Commission to David Moskowitz, Esq., Senior Vice President and General Counsel, EchoStar Satellite Corporation* (Dec. 28, 2001) (Attachment 2).

³ See *Application for Renewal of Special Temporary Authority to Operate a Direct Broadcast Satellite Over the Even-Numbered Channels at the 148° W.L. Orbital Location*, File No. SAT-STA-20020123-00014 (Jan. 23, 2002); *See Application for Renewal of Special Temporary Authority to Operate a Direct Broadcast Satellite Over the Even-Numbered Channels at the 148° W.L. Orbital Location*, File No. SAT-STA-20020716-00115 (July 16, 2002) (Attachment 3).

EchoStar 2 to operate over the even-numbered channels 2 through 16. The instant STA renewal request will allow EchoStar to use these frequencies as well as the even-numbered channels 18 through 32, which are not licensed to any entity.

The renewal of the above-referenced STA is in the public interest since it will allow EchoStar to continue to operate EchoStar 2 at 148° W.L. over spectrum that is not licensed to any other entity and without causing harmful interference to any authorized user of the spectrum. Specifically, there is no other company that operates a DBS satellite or is even licensed for such operation at or near the 148° W.L. orbital location.

The only alternative to use of these channels under an STA is for all of the spectrum in question to lie unused. Clearly, such a result is not in the public interest. In fact, the Commission has resolved this question dispositively by granting EchoStar an STA to operate at 61.5° W.L. over channels licensed to another company as well as over unlicensed channels. *See Direct Broadcasting Satellite Corp.*, 13 FCC Rcd. 6392 (1998). As in that case, shutting down the temporary operations at issue here can be immediate. *See id.* at 6394. Moreover, unlike in that case, the channels in question here are not licensed to anyone else, and are not likely to be used by any other DBS provider for several years, making the case for an STA renewal here all the stronger.⁴

As mentioned above, no entity other than EchoStar has authority to conduct DBS operations from the 148° W.L. slot. Therefore, the requested renewal of operational authority will not cause any harmful interference to any authorized user of the spectrum. *See, e.g., In the Matter of Newcomb Communications, Inc.*, 8 FCC Rcd. 3631, 3633 (1993); *In the Matter of Columbia Communications Corporation*, 11 FCC Rcd. 8639, 8640 (1996). EchoStar 1 and EchoStar 2 are technically identical DBS satellites, and the Commission has already found that EchoStar 1 will not cause harmful interference from the 148° W.L. orbital location. Nor is EchoStar aware of any interference complaints associated with its current operations at 148° W.L.

As for EchoStar 2's TT&C operations in the extended C-band, the move has, if anything, alleviated any risk of interference, since the satellite is now in a less congested part of the geostationary arc. EchoStar renews its commitments to discontinue any offending operations upon notification of harmful interference by an authorized user of the spectrum.

⁴ Indeed, the practical experience from the STA given to EchoStar at 61.5° in 1998 provides additional reassurance for the Commission. Even though that STA has partially expired for the channels licensed to Dominion Video Satellite, Inc. that expiration has caused no service disruption or customer confusion whatsoever.

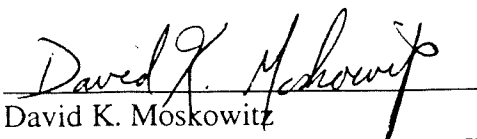
Marlene H. Dortch
January 15, 2003
Page 4

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.

For the foregoing reasons, EchoStar respectfully requests the renewal of Special Temporary Authority to operate its EchoStar 2 satellite at the 148° W.L. orbital location over all 16 of the even-numbered DBS channels for a period of up to 180 days.

Respectfully submitted,

EchoStar Satellite Corporation



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*Counsel for EchoStar Satellite
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Dated: January 15, 2003

cc: Thomas S. Tycz
Rosalee Chiara
Jennifer Gilsenan
Paul Locke
Chris Murphy
Rockie Patterson

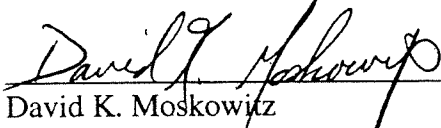
Bruce Jacobs
Tony Lin
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ANTI-DRUG ABUSE ACT CERTIFICATION

Pursuant to Section 1.2002 of the Commission's Rules, 47 C.F.R. Section 1.2002 (1997), Applicant certifies that neither Applicant nor any of its shareholders, nor any of its 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 15, 2003



ECHO STAR SATELLITE CORPORATION
A Part of the EchoStar Group of Companies

October 25, 2001

FCC: MELLON

OCT 25 2001

BY HAND DELIVERY

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

**Re: Application for Special Temporary Authority to Operate a
Direct Broadcast Satellite Over the Even-Numbered Channels
at the 148° W.L. Orbital Location, File No. _____**

EXPEDITED CONSIDERATION REQUESTED

Dear Ms. Salas:

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 Special Temporary Authority ("STA") to move its EchoStar 2 satellite from the 119° W.L. orbital location to the 148° W.L. orbital location and operate it over the 16 even-numbered channels at 148° W.L. (8 of which are already licensed to EchoStar) for a period of 180 days. Enclosed is an FCC Form 159 and a check in the amount of \$135.00 to cover applicable filing fees. Also enclosed is an additional copy, which we ask that you date stamp and return with our messenger.

EchoStar 2 is now operating as an in-orbit spare satellite at the 119° W.L. orbital location. EchoStar has deployed other satellites (currently, EchoStar 4 and 6) that use all of the 21 DBS channels licensed to EchoStar at that location. The exigencies of the must-carry requirements, which commence on January 1, 2002, will create an unprecedented strain on EchoStar's satellite and spectrum resources. As the Commission is aware, EchoStar must carry all qualified broadcast stations in each and every market where EchoStar now offers local network stations and in every new market that EchoStar may want to start serving. These rules necessitate EchoStar activating as much satellite capacity as possible. Specifically, EchoStar can no longer afford to maintain an in-orbit spare at 119° W.L., and under separate cover, concurrent with this filing, has requested authority to move the EchoStar 2 satellite to the 148° W.L. orbital location ("M. Location Application").

EchoStar has operating authority for 24 DBS channels (all 16 odd-numbered channels and even-numbered channels 2 through 16) at 148° W.L. EchoStar already operates the 16 odd-numbered channels with its EchoStar 1 satellite, which moved to 148° W.L. in the year 2000. The Modification Application requests authority for EchoStar 2 to operate over the even-numbered channels 2 through 16. By the instant request, in order to expedite use of the frequencies, EchoStar requests special temporary authority for these same channels as well as even-numbered channels 18 through 32, which are not licensed to any entity.

The proposed relocation of EchoStar 2 is part of a broader effort on EchoStar's part to comply with the must-carry rules. That effort includes the launch of EchoStar 7 and 8, two new spot beam satellites. Circumstances beyond EchoStar's control, however, could delay the launch of EchoStar 7. Out of an abundance of caution, EchoStar seeks to realign its fleet to ensure compliance with the must carry rules.

The STA request is in the public interest, since it will move EchoStar 2 from in-orbit spare status to fully operational status. It also will not cause harmful interference into any authorized user of the spectrum. In fact, there is no other company that operates a DBS satellite or is even licensed for such operation at or near the 148° W.L. orbital location. In any event, EchoStar is ready to terminate its temporary operations immediately upon notification of harmful interference by a licensed user of the spectrum.

To be operational on January 1, 2002 while maintaining a sufficient supply of fuel, EchoStar 2 must commence its move immediately. EchoStar therefore respectfully requests Commission action at the earliest possible date, but no later than Friday, November 16, 2001.

I. BACKGROUND

EchoStar has operated EchoStar 2 at 119° W.L. under a license granted on November 25, 1996. See Letter from Donald H. Gips, Bureau Chief, Federal Communications Commission, to DirectSat Corporation, DA 96-1982 (Nov. 26, 1996) (granting license for EchoStar 2 and enclosing terms of license); File No. SAT-MOD-19990419-00043. EchoStar 2 initially operated over 10 DBS channels (even-numbered channels 2-20) at that orbital location. It was eventually relegated to in-orbit spare status after the move of EchoStar 4 to 119° W.L. and the launch of EchoStar 6 to that slot. See Letter to David K. Moskowitz, Senior Vice President and General Counsel of EchoStar Satellite Corporation from Chief, FCC Satellite and Radiocommunication Division (Aug. 10, 2000); see also *EchoStar Satellite Corporation Application for Authority to Make Minor Modifications to Direct Broadcast Satellite Authorizations, Launch and Operation Authority; Request for Waiver of Section 100.21 of the Commission's Rules*, 15 FCC Rcd. 23636 (2000).

In January 1996, EchoStar was the winning bidder in a Commission auction for 24 channels at 148° W.L. See *EchoStar DBS Corporation Wins 24 DBS Channels at the 148 Degree Orbital Location with a Bid of \$52,295,000*, FCC Press Release (Jan. 26, 1996). In

December 1996, the Commission authorized EchoStar to construct, launch and operate its DBS system at 148° W.L. See *In Re Application of EchoStar DBS Corporation*, 12 FCC Rcd. 11946 (1996); *In Re Application of EchoStar DBS Corporation*, 11 FCC Rcd. 16291 (1996). EchoStar moved its 16-transponder EchoStar 1 satellite to 148° W.L. in 2000, and currently operates the 16 even-numbered channels at that orbital location authorized to EchoStar at 148° W.L. using EchoStar 1.

II. THE PROPOSAL IS IN THE PUBLIC INTEREST

This STA request is in the public interest. EchoStar 2 is not needed at 119° W.L. except as an in-orbit spare, and is not operational at that location. This proposal will move it from its now "dormant" status to full operational status for all of its 16 transponders. The instant request will therefore result in the use of 16 currently unused DBS channels at a western orbital location, to the benefit of U.S. consumers. In addition, the move is essential to EchoStar's efforts to provide local broadcast service to as many cities as feasible. Under the must-carry scheme, the decision of a satellite carrier to provide even one popular local station in a particular city carries with it a manifold burden on the spectrum available to the carrier – the obligation to carry all qualified stations in that market. See 47 C.F.R. 76.66. This poses a daunting strain on EchoStar's satellite capacity. To meet this need for capacity, EchoStar plans to launch two new satellites, EchoStar 7 and 8, at a cost of roughly a half billion dollars. While the earliest EchoStar 7 will launch is late December of this year, certain factors beyond EchoStar's control could contribute to the delay of this launch, including delays in delivery of the satellite or difficulties in procuring adequate launch insurance. The STA EchoStar seeks here will help it meet its must carry obligation, especially in light of the risk that EchoStar 7's launch may be delayed. Specifically, EchoStar seeks to use the frequencies at 148° W.L. to support DBS services and backhaul capacity allowing the transfer of programming streams between EchoStar's Gilbert, AZ and Cheyenne, WY uplink facilities.¹ The unappealing alternative would be to drop local service in markets where EchoStar currently carries local television stations, something EchoStar hopes to avoid.

This STA request, in addition to encompassing the frequencies won by EchoStar at auction, extends to 8 channels for which EchoStar does not have a firm license. The only alternative to use of these channels under an STA is to leave those frequencies fallow. Thus, granting the STA would further the public interest. In fact, the Commission has resolved this question dispositively by granting EchoStar an STA to operate at 61.5° W.L. over channels licensed to another company as well as over unlicensed channels. See *Direct Broadcasting*

¹ Backhaul operation is explicitly included in EchoStar's DBS authorizations under the Commission's policy of flexibility in allowing "non-conforming uses" of DBS resources. See *In the Matter of Revision of Rules and Policies for the Direct Broadcast Satellite Service*, 11 FCC Rcd. 9712, 9717-18 (1995).

Satellite Corp., DA 98-544 (rel. Mar. 21, 1998). As in that case, shutting down the temporary operations at issue here can be immediate. See *id.* at ¶ 8. Moreover, unlike in that case, the channels in question here are not licensed to any one else, and are not likely to be used by any one for several years, making the case for an STA here all the stronger.²

III. THE PROPOSED OPERATION WILL NOT CAUSE HARMFUL INTERFERENCE

No entity other than EchoStar has authority to conduct DBS operations from the 148° W.L. slot. Therefore, the requested operational authority will not cause any harmful interference to any authorized user of the spectrum. See, e.g., *In the Matter of Newcomb Communications, Inc.*, 8 FCC Rcd. 3631, 3633 (1993); *In the Matter of Columbia Communications Corporation*, 11 FCC Rcd. 8639, 8640 (1996).

EchoStar 2 and EchoStar 1 are technically identical DBS satellites, and the Commission has already found that EchoStar 1 will not cause harmful interference from the 148° W.L. orbital location. The attached Technical Annex provides additional evidence in that regard.

As for EchoStar 2's TT&C operations in the extended C-band, the move would, if anything, alleviate any risk of interference, since it would place the satellite in a less congested part of the geostationary arc. In any event, EchoStar 2 uses only a narrow sliver of that spectrum for its TT&C communications, and coordination should be straightforward. EchoStar commits to discontinuing any offending operations upon notification of harmful interference by an authorized user of the spectrum.

IV. 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.

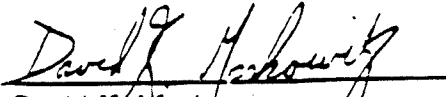
V. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests Special Temporary Authority to move its EchoStar 2 satellite to the 148° W.L. orbital location and operate it at 148° W.L. for a period of 180 days.

² Indeed, the practical experience from the STA given to EchoStar at 61.5° in 1998 provides additional reassurance for the Commission. Even though that STA has partially expired for the channels licensed to Dominion, that expiration has caused no service disruption or customer confusion whatsoever.

Respectfully submitted,

EchoStar Satellite Corporation



David K. Moskowitz
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cc: Thomas S. Tycz
Rosalee Chiara
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Paul Locke
Chris Murphy
Rockie Patterson

Technical Annex

1. Echostar 2 satellite at 148°W

This section discusses the operation of the Echostar 2 (USABSS-4) satellite at the 148°W orbital location.

The Echostar 2 satellite is an identical¹ satellite to Echostar 1 (USABSS-3), with the exception of the TT&C frequencies utilized, which are discussed in Section 2. The Echostar 1 satellite is currently operating on the odd numbered channels at 148°W and has been since January 23, 2001. The Echostar 2 satellite is a 16 transponder satellite and will operate on the even numbered channels at 148°W.

The move of Echostar 2 to 148°W orbital location² will provide additional capacity for Echostar to provide required local programming to the Western part of the US. Figure 1 shows the EIRP contours of the Echostar 2 satellite at 119W and Figure 2 shows the EIRP contours of the Echostar 2 satellite at 148W. As shown in Figure 2 the Echostar 2 satellite at 148°W will partly cover Mexico, but this should not cause interference to that country's BSS assignments since Mexico's closest assignment is at 127°W, more than 20° away. In fact no Region 2 BSS assignment should be affected since the closest, the Canadian assignment at 138°W, is 10° away. Since both Mexico and Canada are each assigned all 32 BSS channels, and they have submitted modifications to the Region 2 BSS Plan indicating their intent to use BSS systems, it is unlikely that these countries would also implement terrestrial services in this band. It is noted that the Echostar 1 satellite has been operating for over eight months at the 148°W location without any reports of interference to any other satellite network.

2. C-band TT&C Operation at 148°W

In this section we discuss the coordination issues associated with the operation of the Echostar 2 extended C-band TT&C at the 148°W orbital location.

Echostar 2 has been operating at 119°W and performing extended C-band TT&C with no reports of harmful interference from other satellite networks. The Echostar 2 TT&C operations are performed at the following extended C-band frequencies: 5923.5 MHz and 6426.5 MHz (uplink) and 3698.5 MHz and 3699.5 MHz (downlink). The move of the Echostar 2 satellite to 148°W will place this satellite in a less congested part of the orbital arc and so coordination should be straightforward. Of course, coordination will be required with nearby existing and planned satellites in the geostationary arc.

¹ Coverage pattern and EIRP levels of the two satellites are the same.

² The Commission has filed a modification, USABSS-9, to the Region 2 BSS Plan for the US assigned 148°W orbital location.

The main characteristics of TT&C operations, from an interference perspective, are the use of only small amounts of spectrum³ and large earth stations⁴. As a result the coordination of TT&C carriers with other GSO networks is not normally problematic.

Table 1 shows the list of GSO satellite networks that have filed to use C-band frequencies that overlap with Echostar 2 TT&C frequencies within a $\pm 10^\circ$ arc of the 148°W orbital location. This data was extracted from ITU online SNS service.

Table 1. List of networks $\pm 10^\circ$ from 148°W with Extended C-band Frequency Overlap with Echostar 2 TT&C

Satellite	Long	Adm	Freq Overlap
EXPRESS-12	-155	RUS	downlink
EXPRESS-12	-155	RUS	uplink
STATSIONAR-26	-155	URS	downlink
STATSIONAR-26	-155	URS	uplink (1)
N-SAT-152W	-152	J	downlink
N-SAT-152W	-152	J	uplink
N-SAT-150W	-150	J	downlink
N-SAT-150W	-150	J	uplink
Echostar 2	-148	USA	
N-SAT-148W	-148	J	downlink
N-SAT-148W	-148	J	uplink
USASAT-31A	-147	USA	downlink
USASAT-31A	-147	USA	uplink
N-SAT-145W	-145	J	downlink
N-SAT-145W	-145	J	uplink
N-SAT-143W	-143	J	downlink
N-SAT-143W	-143	J	uplink
INMARSAT-2 POR EAST	-142	G	uplink (2)
INMARSAT-3 POR EAST	-142	G	uplink (2)
N-SAT-141W	-141	J	downlink
N-SAT-141W	-141	J	uplink
USASAT-31B	-139	USA	downlink
USASAT-31B	-139	USA	uplink
USASAT-40A	-138.8	USA	downlink
USASAT-40A	-138.8	USA	uplink
1. Overlap with the 5923.5 MHz carrier only.			
2. Overlap with the 8426.5 MHz carrier only.			

As shown in Table 1 there are several Japanese satellite networks within a $\pm 10^\circ$ of 148°W . One of these networks ("N-SAT-148W") would be collocated with Echostar 2. Networks from Administrations other than Japan are at least 5° away. Coordination with these non-Japanese networks will be minimal and may

³ The total amount of bandwidth required for the Echostar 2 TT&C signals, in both uplink and downlink directions, is 2.4 MHz.

⁴ The Echostar 2 TT&C earth station uses an antenna of greater than 9 m in diameter.

not even be necessary, depending on the results of DeltaT/T calculations. The US satellite networks listed are Ka-band and V-band filings for which the Commission has not yet authorized use of C-band spectrum.

It should be noted that the six Japanese satellites included in Table 1 were filed across the available contiguous C-band FSS spectrum. However, given US regulations on C-band use it is likely that if these networks are brought into use they would only operate in conventional C-band spectrum 3700 – 4200 MHz and 5925 – 6425 MHz, at least in the US, and therefore would not overlap with Echostar 2 TT&C frequencies. Additionally, these Japanese satellite networks are likely in the design stage and so they should have flexibility for coordination, particularly bearing in mind the modest spectrum requirements of the Echostar 2 TT&C signals. Therefore we believe that successful coordination of the Echostar 2 TT&C transmissions with these Japanese networks will not be problematic, and should be commenced as soon as possible.

During the drift of Echostar 2 from the 119°W orbital location to the 148°W orbital location it will be necessary for Echostar to coordinate with operational GSO C-band networks that could potentially experience interference. The orbit maneuver is limited in time and the potential interference effects will be of short duration due to the movement of the satellites relative to each other during this period. It is not expected that many satellites between 119°W and 148°W will be operating in the extended C-band frequencies. For example US licensed C-band GSO FSS systems operate in the conventional C-band spectrum not in extended C-band. Nevertheless in order to avoid potential interference occurrences Echostar will determine, prior to beginning the satellite drift maneuver, which GSO orbital locations may be affected. Echostar will then coordinate with the potentially affected GSO satellite operators and if necessary will cease TT&C operations for the short duration of in-line events.

Figure 1:
EchoStar 2 Satellite EIRP Contours
from 119°W Orbital Location

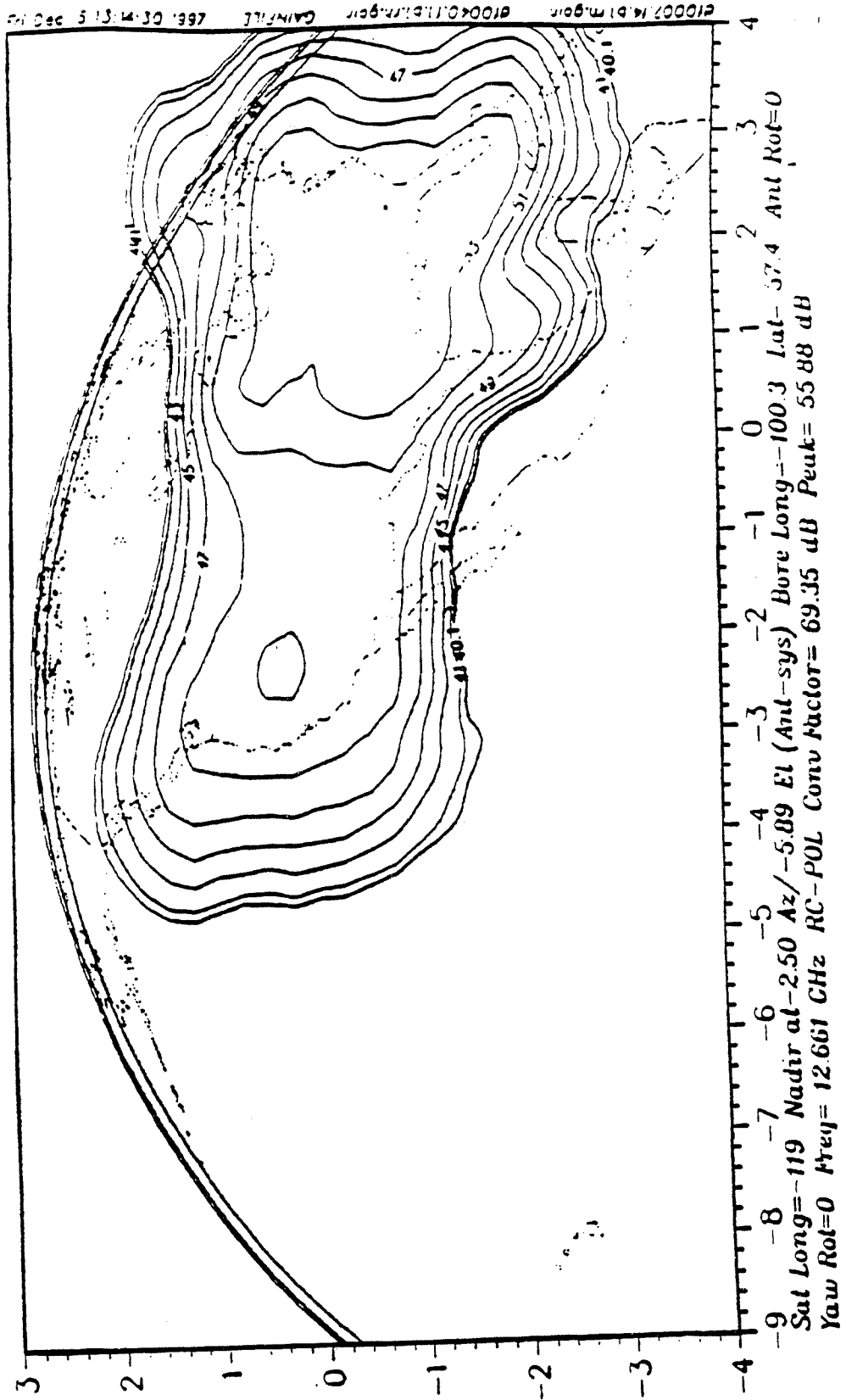
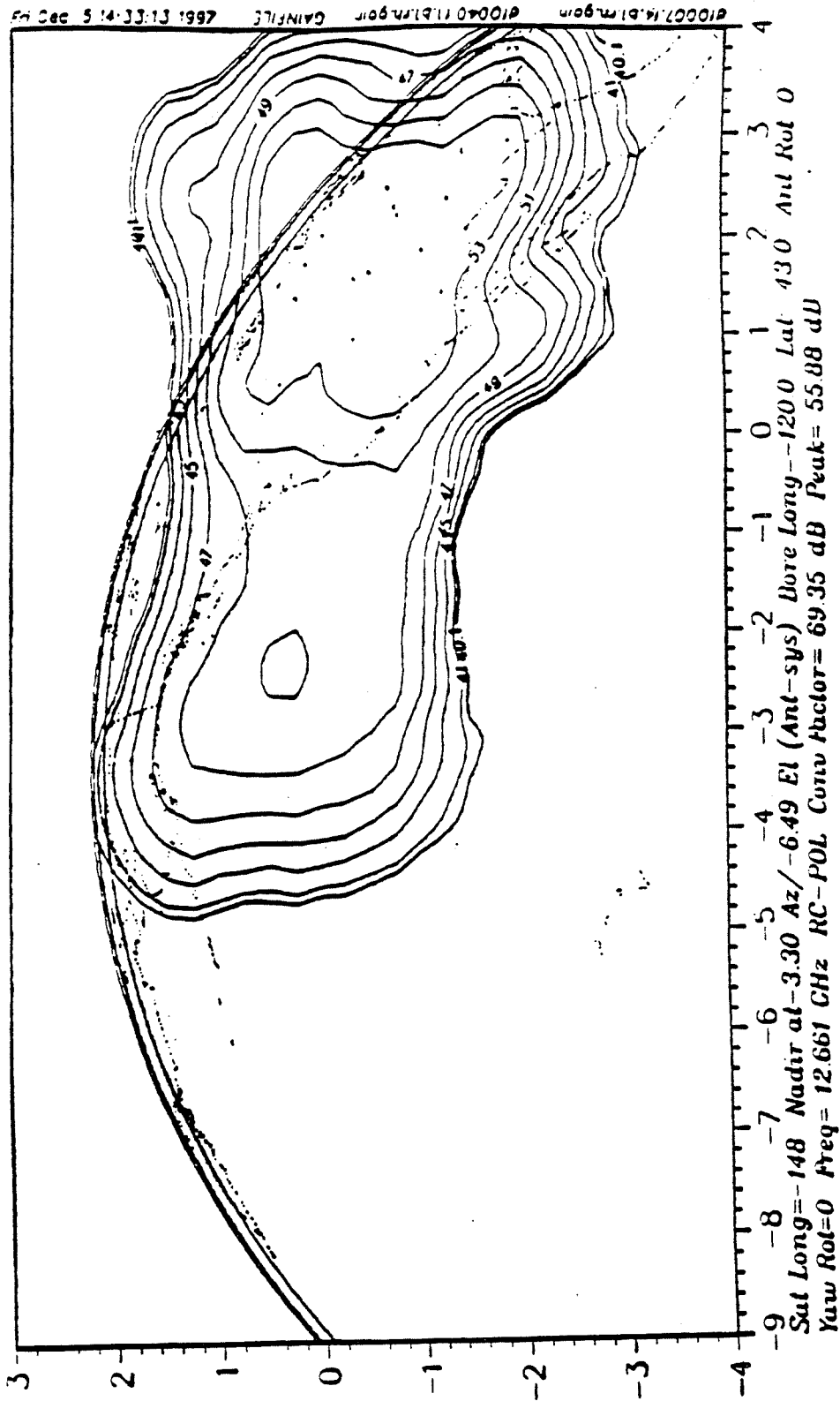


Figure 2:
EchoStar 2 Satellite EIRP Contours
from 148°W Orbital Location



CERTIFICATION OF PERSON RESPONSIBLE
FOR PREPARING ENGINEERING INFORMATION

I hereby certify that I am the technically qualified person responsible for preparation of the engineering information contained in this pleading, that I am familiar with Parts 25 and 100 of the Commission's rules, that I have either prepared or reviewed the engineering information submitted in this pleading, and that it is complete and accurate to the best of my knowledge and belief.



Giselle Gomez Creeser
Telecomm Strategies, L.L.C.
6404 Highland Drive
Chevy Chase, MD 20815

Dated: 22 October 2001



Federal Communications Commission
Washington, DC 20554

International Bureau

December 28, 2001

David Moskowitz, Esq.
Senior Vice President and General Counsel
EchoStar Satellite Corporation
5701 South Santa Fe
Littleton, CO 80123

Re: Request for Special Temporary Authority to Operate a Direct Broadcast Satellite Over the Even-Numbered Channels at the 148° W.L. Orbital Location (SAT-STA-20011025-00091)

Dear Mr. Moskowitz:

This is in response to your letter dated November 1, 2001 on behalf of EchoStar Satellite Corporation. In the letter, you request Special Temporary Authority (STA) for EchoStar to move its EchoStar 2 Direct Broadcast Service (DBS) satellite from its licensed 119° W.L. orbital location to the 148° W.L. orbital location and to operate it over the sixteen even-numbered DBS channels at 148° W.L. for 180 days. Eight of these sixteen channels are assigned to EchoStar. The remaining eight channels are unassigned. In addition, once EchoStar 2 is relocated to 148° W.L., you request special temporary authority for EchoStar 2 to continue to use the same "extended" C-band frequencies for Tracking, Telemetry and Command (TT&C) operations that it is authorized to use at 119° W.L. Specifically, EchoStar proposes to use the 5923.5 MHz and 6426.5 MHz frequencies for command functions and the 3698.5 MHz and 3699.5 MHz frequencies for telemetry functions from the 148° W.L. orbital location.

On November 21, 2001, we issued EchoStar a verbal STA permitting it to move EchoStar 2 from 119° W.L. to 148° W.L. On December 21, 2001, we issued EchoStar a verbal STA to operate EchoStar 2 using the eight even-numbered channels assigned to it at 148° W.L. for 30 days. By this letter, we confirm the November 21, 2001 and December 21, 2001 verbal grants.

Further, we grant EchoStar special temporary authority to operate EchoStar 2 using the eight unassigned channels at 148° W.L. for a period of 30 days and extend its STA for its eight assigned channels to run concurrent with this grant. We agree with EchoStar that its operation at 148° W.L. will not cause harmful interference to any other DBS system because EchoStar is the only entity with authority to conduct DBS operations from the 148° W.L. orbit location. Nevertheless, EchoStar's operations of the eight unassigned channels is at its own risk and without prejudice to any action the

Commission may take on its underlying application to operate these channels on a regular basis. We note that Pegasus Development Corporation has filed a petition to deny EchoStar's use of the eight unassigned channels. Consequently, we require that EchoStar notify its customers in writing that operations on the unassigned channels are at its own risk and service may be diminished or discontinued at any time.

With respect to tracking, telemetry, and control, we recognize that Echostar's proposed 5923.5 MHz and 6426.5 MHz frequencies are allocated on a primary, or co-equal, basis with other government and commercial services. These services include the non-governmental mobile service and the governmental radiolocation service. Until we verify the status of coordination between Echostar's TT&C operations and other co-primary operations, we will require Echostar to conduct its TT&C operations on a non-interference basis with respect to other co-primary services. That is, Echostar may not cause interference into any authorized co-primary operations in the 5923.5 MHz and 6426.5 MHz frequencies and must terminate its TT&C operations upon notification of such interference. Further, Echostar must accept any interference to its operations caused by authorized co-primary operations in these frequencies.

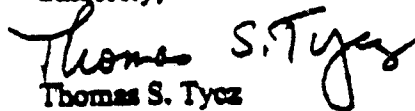
Last, Echostar's other proposed TT&C frequencies at 3698.5 MHz and 3699.5 MHz are subject to footnotes US348, US349, and NG169 to the Table of Frequency Allocations. We require that EchoStar's operations at these frequencies comply with these footnotes.

Accordingly, pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, Echostar's application for Special Temporary Authority (SAT-STA-20011025-00091) is granted until January 28, 2002. EchoStar is authorized to operate the eight even-numbered unassigned channels at 148° W.L., in addition to its eight assigned channels at that location, and to use the 5923.5 MHz, 6426.5 MHz, 3698.5 MHz, and 3699.5 MHz frequencies for tracking, telemetry, and control operations subject to the following conditions:

- 1) EchoStar's operations on the eight unassigned channels at 148° W.L. shall not cause harmful interference to any other lawfully operated radio station and EchoStar shall cease operations immediately upon notification of such interference;
- 2) Echostar shall not claim protection from interference from any other lawfully operated radio station with respect to its operations on the eight unassigned channels;
- 3) EchoStar's operation over the eight unassigned channels at 148° W.L. is at its own risk and EchoStar must notify its customers in writing that service over these channels is being provided on a temporary basis and that service may be diminished or discontinued at any time;

- 4) EchoStar's command operations in the 5923.5 MHz and 6426.5 MHz frequencies may not cause interference to any other lawfully operated radio station with co-primary allocation status in those frequencies and EchoStar shall cease operations immediately upon notification of such interference;
- 5) Echostar shall not claim protection from interference from any other lawfully operated radio station with co-primary allocation status in the 5923.5 MHz and 6426.5 MHz frequencies;
- 6) Echostar's telemetry operations at 3698.5 MHz and 3699.5 MHz must comply with the terms and conditions set forth in footnotes US348, US349 and NG169 to the Table of Frequency Allocations; and
- 7) This authorization with without prejudice to any action the Commission may take on EchoStar's pending application (SAT-MOD-20011025-00090) to modify the license of the EchoStar 2 satellite to permit it to operate eight unassigned channels at 148° W.L. on a regular basis.

Sincerely,



Thomas S. Tycz
Chief

Satellite and Radiocommunication Division



ECHO STAR SATELLITE CORPORATION
A Part of the EchoStar Group of Companies

July 15, 2002

VIA HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
International Bureau - Satellites
P.O. Box 358210
Pittsburgh, PA 15251-5210

FCC/MELLON

JUL 16 2002

**Re: Application for Renewal of Special Temporary Authority to Operate
a Direct Broadcast Satellite Over the Even-Numbered Channels
at the 148° W.L. Orbital Location
File Nos. SAT-STA-20011025-00091; SAT-STA-20020123-00014**

EXPEDITED CONSIDERATION REQUESTED

Dear Ms. Dortch:

Pursuant to Section 309(f) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(f), and Section 25.120 of the Commission's Rules, 47 C.F.R. § 25.120, EchoStar Satellite Corporation ("EchoStar") hereby requests renewal of the above-referenced Special Temporary Authority ("STA") for a period of 180 days to operate the EchoStar 2 satellite from the 148° W.L. orbital location over the 16 even-numbered DBS channels at that location (8 of which are already licensed to EchoStar). Enclosed is an FCC Form 159 and a check in the amount of \$135.00 to cover applicable filing fees. Also enclosed is an additional copy of this letter, which we ask that you date stamp and return with our messenger.

On October 25, 2001, EchoStar filed with the Commission an application for minor modification of its DBS authorization seeking authority to relocate the EchoStar 2 satellite from the 119° W.L. to the 148° W.L. orbital location and to operate that satellite over the eight even-numbered channels that were already licensed to EchoStar at that location. At that time, EchoStar also requested an STA for authority to operate EchoStar 2 over the 8 unassigned even-numbered channels at 148° W.L.¹

¹ See Application for Minor Modification of DBS Authorization, File No. SAT-MOD-20011025-00090 (filed Oct. 25, 2001) ("Modification Application"); Application for Special
(Continued...)

On November 21, 2001, the International Bureau issued EchoStar a verbal STA permitting it to move EchoStar 2 from 119° W.L. to 148° W.L. On December 21, 2001, the Bureau also issued EchoStar a verbal STA for 30 days to operate EchoStar 2 using the eight even-numbered channels assigned to it at 148° W.L. On December 28, 2001, the Bureau confirmed these November 21, 2001 and December 21, 2001 verbal STAs, granted EchoStar authority to operate EchoStar 2 using the 8 unassigned even-numbered channels at 148° W.L. for a period of 30 days, and extended the STA for EchoStar's 8 assigned channels at 148° W.L. to run concurrently with the period for the 8 unassigned channels.² On January 23, 2002, EchoStar filed a request for renewal of STA to operate the EchoStar 2 satellite from the 148° W.L. orbital location over the 16 even-numbered DBS channels at that location for a period of up to 180 days.³ EchoStar hereby renews its request for STA for an additional 180 days, effective July 26, 2002.

In accordance with these STAs, EchoStar 2 has been relocated to 148° W.L. and is now operating at that location. EchoStar has also redeployed other satellite capacity to use all of the 21 DBS channels licensed to EchoStar at the 119° W.L. orbital location.

The same reasons that warranted the previous grants of authority to move EchoStar 2 to 148° W.L. and to allow EchoStar to operate over the 16 even-numbered DBS channels at that location justify the requested STA renewal. As noted in the previous STA requests, the exigencies of the must carry requirements, which commenced on January 1, 2002, have created a strain on EchoStar's satellite and spectrum resources. As the Commission is aware, EchoStar must carry all qualified broadcast stations in each and every market where EchoStar now offers local network stations and in every new market that EchoStar may want to start serving with such local programming. As a result, EchoStar can no longer afford to maintain an in-orbit spare at 119° W.L. The relocation of EchoStar 2 to 148° W.L. is part of a broader effort on EchoStar's part to use spectrum efficiently.

Temporary Authority to Operate a Direct Broadcast Satellite Over the Even-Numbered Channels at the 148° W.L. Orbital Location, File No. SAT-STA-20011025-00091 (filed Oct. 25, 2001) (Attachment 1).

² See Letter from Thomas S. Tycz, Chief, Satellite and Radiocommunication Division, International Bureau, Federal Communications Commission to David Moskowitz, Esq., Senior Vice President and General Counsel, EchoStar Satellite Corporation (Dec. 28, 2001) (Attachment 2).

³ See Application for Renewal of Special Temporary Authority to Operate a Direct Broadcast Satellite Over the Even-Numbered Channels at the 148° W.L. Orbital Location, File No. SAT-STA-20020123-00014 (filed Jan. 23, 2002) (Attachment 3).

EchoStar has operating authority for 24 DBS channels (all 16 odd-numbered channels and even-numbered channels 2 through 16) at 148° W.L. Since 2000, EchoStar has been using the 16 odd-numbered channels at that location on its EchoStar 1 satellite, which was moved to 148° W.L. at that time. The Modification Application requests authority for EchoStar 2 to operate over the even-numbered channels 2 through 16. The instant STA renewal request will allow EchoStar to use these frequencies as well as the even-numbered channels 18 through 32, which are not licensed to any entity.

The renewal of the above-referenced STA is in the public interest, since it will allow EchoStar to continue to operate EchoStar 2 at 148° W.L. during the Commission's consideration of the Modification Application. It also will not cause harmful interference into any authorized user of the spectrum. In fact, there is no other company that operates a DBS satellite or is even licensed for such operation at or near the 148° W.L. orbital location. In any event, EchoStar is ready to terminate its temporary operations immediately upon notification of harmful interference by a licensed user of the spectrum.

The only alternative to use of these channels under an STA is to allow those frequencies to lie fallow. Clearly, such a result is not in the public interest. In fact, the Commission has resolved this question dispositively by granting EchoStar an STA to operate at 61.5° W.L. over channels licensed to another company as well as over unlicensed channels. *See Direct Broadcasting Satellite Corp.*, 13 FCC Rcd. 6392 (1998). As in that case, shutting down the temporary operations at issue here can be immediate. *See id.* at 6394. Moreover, unlike in that case, the channels in question here are not licensed to anyone else, and are not likely to be used by any other DBS provider for several years, making the case for an STA renewal here all the stronger.⁴

No entity other than EchoStar has authority to conduct DBS operations from the 148° W.L. slot. Therefore, the requested renewal of operational authority will not cause any harmful interference to any authorized user of the spectrum. *See, e.g., In the Matter of Newcomb Communications, Inc.*, 8 FCC Rcd. 3631, 3633 (1993); *In the Matter of Columbia Communications Corporation*, 11 FCC Rcd. 8639, 8640 (1996). EchoStar 1 and EchoStar 2 are technically identical DBS satellites, and the Commission has already found that EchoStar 1 will not cause harmful interference from the 148° W.L. orbital location. Nor is EchoStar aware of any interference complaints associated with its current operations at 148° W.L.

⁴ Indeed, the practical experience from the STA given to EchoStar at 61.5° in 1998 provides additional reassurance for the Commission. Even though that STA has partially expired for the channels licensed to Dominion Video Satellite, Inc. that expiration has caused no service disruption or customer confusion whatsoever.

Marlene H. Dortch
July 15, 2002
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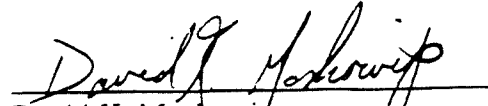
As for EchoStar 2's TT&C operations in the extended C-band, the move has, if anything, alleviated any risk of interference, since the satellite is now in a less congested part of the geostationary arc. EchoStar renews its commitments to discontinue any offending operations upon notification of harmful interference by an authorized user of the spectrum.

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.

For the foregoing reasons, EchoStar respectfully requests the renewal of Special Temporary Authority to operate its EchoStar 2 satellite at the 148° W.L. orbital location over all 16 of the even-numbered DBS channels for a period of up to 180 days.

Respectfully submitted,

EchoStar Satellite Corporation



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Dated: July 15, 2002

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