

ORIGINAL

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

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Federal Communication Commission
Bureau/Office

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Application of)
)
ECHOSTAR SATELLITE L.L.C.)
)
To Modify Its Authorization to Change The)
Orbital Location of Its Ka-band GSO Satellite)
From 123° W.L. to 117° W.L.)
_____)

File Nos.
SAT-MOD-20041008-00196
Call Sign S2490

To: International Bureau

REPLY COMMENTS OF ECHOSTAR SATELLITE L.L.C.

EchoStar Satellite L.L.C. ("EchoStar") hereby replies to the comments filed by Telesat Canada ("Telesat")¹ with respect to the above-referenced application for modification of EchoStar's Ka-band license at 123° W.L. to change the authorized orbital location to 117° W.L. Telesat does not oppose EchoStar's application, but requests that the Commission condition EchoStar's authority to operate Ka-band frequencies at 117° W.L. upon successful coordination with Telesat's proposed operation of Anik F3 at 118.7° W.L.

I. THE REQUESTED COORDINATION CONDITION IS UNNECESSARY

The specific coordination condition requested by Telesat is unnecessary in light of the Commission's space station licensing rules, policies and the international coordination condition

¹ Comments of Telesat Canada, filed in Application of SES Americom, Inc. For Special Temporary Authority to Operate the AMC-15 Satellite at 113° W.L. and 117° W.L., SAT-STA-20041012-00198 (filed Nov. 22, 2004).

already embedded in the authorization that EchoStar is seeking to modify. As the International Bureau recently explained when it granted EchoStar's extended Ku-band license at 121° W.L.:

In the *First Space Station Reform Report and Order*, the Commission explained that U.S. licenses assigned to a particular orbit location in a first-come, first-served approach take their licenses subject to the outcome of the international coordination process. The Commission specifically noted that "this may mean that the U.S.-licensee may not be able to operate its system if the coordination cannot be appropriately completed" As a general practice, U.S. licenses, including the EchoStar's [sic] authorization here, are conditioned to reflect this Commission policy. Therefore, we find that the conditions proposed by New Skies are partially redundant with our standard condition and otherwise unnecessary in this instance.²

In this case, EchoStar notes that its Ka-band authorization at 123° W.L. is already conditioned on international coordination.³ This condition would continue to apply even after the authorized orbital location is changed to 117° W.L. The coordination condition requested by Telesat is co-extensive with this standard license condition, and is therefore redundant. The International Bureau should therefore decline to impose the requested condition for the same reasons that it declined to impose additional coordination conditions on EchoStar's extended Ku-band license at 121° W.L.

² *In the Matter of EchoStar KuX Corporation Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 121° W.L. Orbital Location*, DA 04-3164, Order and Authorization, SAT-LOA-20031215-00355, Call Sign 2609, at ¶ 6 (rel. Sept. 30, 2004), *corrected by* Erratum (rel. Oct. 20, 2004) ("*121° W Order*").

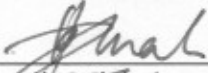
³ Stamp Grant, SAT-LOA-20030827-00177, at Condition 3 (rel. Dec. 12, 2004). This condition is identical to the one considered by the International Bureau in the *121° W Order*.

II. CONCLUSION

For the reasons stated above, the International Bureau should expeditiously grant EchoStar's modification application without the coordination condition requested by Telesat.

Respectfully submitted,

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December 2, 2004

CERTIFICATE OF SERVICE

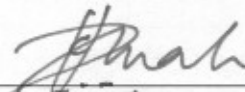
I, Chung Hsiang Mah, an attorney with the law firm of Steptoe & Johnson LLP, hereby certify that on this 2nd day of December, 2004, served a true copy of the foregoing "Reply Comments of EchoStar Satellite L.L.C." upon the following:

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