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May 13, 2005

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Received RECEIVED
MAY 16 2005 MAY 13 2005
Policy Branch Federal Communications Commission
International Bureau Office of Secretary

-- CONFIDENTIAL TREATMENT REQUESTED --

Re: **EchoStar Satellite L.L.C. Application for Special Temporary Authority To Conduct Telemetry, Tracking and Command Operations During the Relocation of EchoStar 4 to 77° W.L. (File No. SAT-STA-20050321-00068)**

Dear Ms. Dortch,

EchoStar Satellite L.L.C. ("EchoStar") hereby responds to the April 13, 2005 request for additional information regarding the above-referenced application from Thomas S. Tycz, Chief, Satellite Division, International Bureau to Pantelis Michalopoulos, Counsel for EchoStar ("*April 13 Letter*"). Some information responsive to the *April 13 Letter* has already been submitted. See Letter from Pantelis Michalopoulos, Counsel for EchoStar to Marlene H. Dortch, Secretary, FCC (April 26, 2005) ("*April 26 Response*") (enclosing an English translation of the authorization granted to QuetzSat, S. De R.L. de C.V. ("QuetzSat") by the Mexican government).

EchoStar is requesting that portions of Attachments 1 and 3 to this letter be treated as confidential and not routinely available for public inspection under 47 C.F.R. §§ 0.457 and 0.459. Full copies of both Attachments are being submitted with this letter. A redacted version of Attachments 1 and 3 will be submitted separately for the public record.

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1992) (“[W]e conclude that financial or commercial information provided to the Government on a voluntary basis is ‘confidential’ for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.”). The redacted information in Attachment 1 relates to the commercial terms on which the parties have reached agreement on the relocation and operation of EchoStar 5 at the 129° W.L. orbital location.

In addition, the redacted portions of Attachment 1 contain sensitive information that if disclosed could place the parties at a competitive disadvantage, including specific information regarding price and non-price terms (such as warranties, liabilities, allocation of responsibilities among the parties) that warrant protection under 47 C.F.R. § 0.459. Both EchoStar and SES would be placed at a significant disadvantage if the terms of their agreement were revealed to competing service providers, who stand to benefit competitively from any knowledge of the redacted commercial terms included in these materials. The ability of the parties to negotiate similar arrangements with other parties would be prejudiced by the disclosure of the price and critical non-price terms of their arrangement with each other. Moreover, if the redacted commercial terms were disclosed to competitors of the parties, they could use such information to negotiate similar arrangements or take other actions that would place the parties at a substantial competitive disadvantage. The redacted material is not and has not previously been made available to the public and the parties take significant measures to ensure that such information is not disclosed to the public (including confidentiality and nondisclosure undertaking in the agreement).

A full copy of Attachment 1 is being submitted with the enclosed letter. A redacted version of the Attachment will be submitted separately for the public record.

Please contact the undersigned if you have questions regarding this request for confidentiality or the enclosed letter.

Respectfully submitted,

Pantelis Michalopoulos /DCM

Pantelis Michalopoulos
Counsel for EchoStar Satellite L.L.C.

Enclosures

cc: (by hand)

Thomas S. Tycz, Chief, Satellite Division, International Bureau
Karl Kensinger, International Bureau
Jay Whaley, International Bureau