

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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Federal Communications Commission  
Office of Secretary

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In the Matter of )

**EchoStar Satellite LLC** )

Application for Special Temporary )  
Authority to Move EchoStar 4 to 77° W.L. )  
and to transfer EchoStar 4 to Mexican )  
Control; )

Application for Modification of Direct )  
Broadcast Satellite Authorization to Permit )  
Long-Term Cessation of Operations at the )  
157° W.L. Orbital Location; )

Application for Modification of Earth )  
Station Authorization to Add the EchoStar )  
4 Satellite at 77° W.L. as a Point of )  
Communication; )

Application for Blanket Authorization )  
Of 1,000,000 Receive-Only Earth Stations )  
To Provide DBS Service in the U.S. )  
Using the Mexican-Authorized )  
EchoStar 4 Satellite at 77° W.L. )

SEP 16 2005

Policy Branch  
International Bureau

File No. SAT-STA-20050321-00068  
Call Sign: S2621

File No. SAT-MOD-20050513-00103  
Call Sign: S2621

File No. SES-MFS-20050527-00662  
Call Sign: E020306

File No. SES-LFS-20050701-00852  
Call Sign: E050196

To: International Bureau

**REPLY COMMENTS**

EchoStar Satellite L.L.C. ("EchoStar") hereby submits its Reply Comments to the Comments of DIRECTV Enterprises, LLC ("DIRECTV") filed on August 26, 2005, with respect to only two of the above-captioned applications (File Nos. SAT-STA-20050321-00068 and SES-

LFS-20050701-00852).<sup>1</sup> No other party has submitted comments or oppositions on any of the pending applications to relocate EchoStar 4 to the 77° W.L. orbital location, to re-license the satellite as a Mexican-authorized space station, to operate up to one million receive-only earth stations for the provision of Direct Broadcast Satellite (“DBS”) service in the United States from the 77° W.L. orbital location, and to add EchoStar 4 as a point of communications at 77° W.L. for one of EchoStar’s earth stations. Significantly, DIRECTV’s comments are confined to 77° W.L. This means that no party has commented on EchoStar’s request to modify its DBS authorization at 157° W.L. to permit long-term cessation of operations at that orbital location. The Bureau should promptly grant all of the above-captioned applications as in the public interest.

As set forth in its applications, granting EchoStar authority to serve the United States with DBS service from a Mexican authorized satellite at 77° W.L. would provide much needed additional spectrum to help serve customers located in certain southern states. This additional capacity will be used to provide augmented coverage to markets with significant Spanish-speaking populations in significant portions of the United States.

EchoStar further pointed out that the provision of service from EchoStar 4 at 77° W.L. would not cause harmful interference to any other authorized satellite because there is no other U.S. BSS orbital location in the vicinity of 77° W.L. and because EchoStar 4 will be operated and maintained in accordance with the existing coordination agreements between the

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<sup>1</sup> The Bureau has previously granted EchoStar’s request for Special Temporary Authority (“STA”) for thirty days to operate EchoStar 4 at the 77° W.L. orbital location in accordance with a U.S. authorization, subject to certain conditions. *See* FCC File No. SAT-STA-20050701-00142 (granted July 6, 2005). That STA has been extended for an additional thirty days and is the subject of a further extension request. *See* FCC File No. SAT-STA-20050803-00157 (granted August 5, 2005). *See also* File No. SAT-STA-20050826-00167 (pending).

Administrations of Mexico and Canada with respect to the adjacent BSS assignments of Canada (at 72.5° W.L. and 82° W.L. orbital locations).

DIRECTV notes that it is providing DBS service to the United States from one of its satellites operating under a Canadian authorization at the 72.5° W.L. orbital location. It further indicates that "it may be possible to reach a short-term accommodation within the coverage and frequency constraints" of its satellite and EchoStar 4, and that if such an agreement can be reached between the two parties, DIRECTV would have no objection to granting the above-captioned applications. EchoStar too is optimistic that an informal agreement can be reached in short order with DIRECTV concerning the operation of EchoStar 4 at 77° W.L.<sup>2</sup>

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<sup>2</sup> EchoStar also agrees with DIRECTV that any such agreement regarding the operation of EchoStar 4 at 77° W.L. would be without prejudice to the respective rights and obligations of the Administrations of Mexico and Canada as to the operations of BSS satellites at the 72.5° W.L. and 77° W.L. orbital locations. As the Bureau is aware, there are existing coordination agreements between the Administrations of Mexico and Canada regarding these two orbital locations.

No other party has commented or opposed any of the above-captioned applications. Accordingly, the Bureau should promptly grant all of the pending applications. EchoStar further requests that it be allowed to operate the EchoStar 4 satellite from the 77° W.L. orbital location in accordance with the operating parameters specified in the Technical Annex to the above-captioned blanket license application.<sup>3</sup>

Respectfully submitted,

**EchoStar Satellite L.L.C.**

*Philip Malet / Dem*

Pantelis Michalopoulos  
Philip L. Malet  
Daniel Mah  
**Steptoe & Johnson LLP**  
1330 Connecticut Avenue, NW  
Washington, D.C. 20036  
(202) 429-3000

*Counsel for EchoStar Satellite L.L.C.*

David K. Moskowitz  
Senior Vice President and General Counsel  
**EchoStar Satellite L.L.C.**  
9601 South Meridian Boulevard  
Englewood, CO 80112  
(303) 723-1000

September 6, 2005

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<sup>3</sup> In this regard, EchoStar specifically requests that it be relieved of the obligation to comply with the operational parameters set forth in Condition 1 to the STA granted on August 5, 2005. See File No. SAT-STA-20050803-00157. See also the revised technical parameters submitted by EchoStar in its Petition for Reconsideration, as supplemented, to the Bureau's Order denying EchoStar's STA request and dismissing the related applications. See EchoStar Satellite LLC, *Memorandum Opinion and Order*, DA 05-1581 (rel. June 3, 2005), reconsideration granted DA 05-2067 (rel. July 25, 2005).

**CERTIFICATE OF SERVICE**

I, Chung Hsiang Mah, with the law firm of Steptoe & Johnson LLP, hereby certify that on this 6th day of September, 2005, served a true copy of the foregoing "Reply Comments" by first class mail, postage pre-paid (or as otherwise indicated) upon the following:

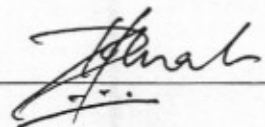
Donald Abelson\*  
International Bureau  
Room 6-C750  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

William M. Wiltshire  
Michael D. Nilsson  
Harris, Wiltshire & Grannis LLP  
1200 18<sup>th</sup> Street, N.W.  
Washington, DC 20036

Cassandra Thomas\*  
International Bureau  
Room 6-A666  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Fern Jarmulnek\*  
Satellite Division  
International Bureau  
Room 6-A523  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Robert Nelson\*  
Satellite Division  
International Bureau  
Room 6-B554  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554



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\* By Hand Delivery