

SAT-STA-20050329-00078 S2653 (DBS8701) Rainbow DBS Company LLC

Special Temporary Authority

Grant of Authority

Effective Date:

7/21/05

Nature of Service: Direct Broadcast Satellite Service

Granted Rainbow DBS Company LLC request for extension of authority to operate Rainbow 1 Direct Broadcast Satellite over Channels 23 and 24 at the 61.5° W.L. orbital location under Special Temporary Authority (STA). Operation is authorized for the period of April 2, 2005 to September 29, 2005 subject to the same conditions as its prior STA. [See EchoStar Satellite Corporation and Rainbow DBS Company LLC, *Order and Authorization*, DA 03-3024, 18 FCC Rcd 19825 (Int'l Bur. 2003); see also Rainbow DBS Company LLC Applications of Rainbow DBS Company LLC for Extension of its Special Temporary Authority to Operate a Direct Broadcast Satellite Over Channels 23 and 24 at 61.5° W.L., File Nos. SAT-STA-20030623-00122, SAT-STA-20040319-00081, SAT-STA20040924-00191.]



File# SAT-STA-20050329-00078

Call Sign S2653/
DBS8701
(or other identifier)

Grant Date 7/21/05

Term Dates

From Apr. 12, 2005

To: + 180 days

Approved: [Signature]
Policy Branch Chief
w/conditions.

Approved by OMB
3060-0678

Date & Time Filed: Mar 29 2005 8:16:46:643PM
File Number: SAT-STA-20050329-00078
Callsign: _____

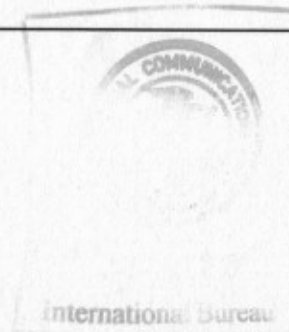
FEDERAL COMMUNICATIONS COMMISSION
APPLICATION FOR SPACE STATION SPECIAL TEMPORARY AUTHORITY
FOR OFFICIAL USE ONLY

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Extension of Special Temporary Authority for the Rainbow 1 DBS satellite

I. Applicant

Name:	Rainbow DBS Company LLC	Phone Number:	516-803-2300
DBA Name:		Fax Number:	(516) 803-2577
Street:	200 Jericho Quadrangle	E-Mail:	hratner@cablevision.com
City:	Jericho	State:	NY
Country:	USA	Zipcode:	11753 -
Attention:	Hank Ratner		



File # ~~SAT-STA-20050329-0008~~

32653
previously DBS801 Date 7/21/05

Term Dates
From April 2, 2005 To: +180 days

Approved: *[Signature]*
Policy Branch Chief
w/valid ground

2. Contact

Name:	Benjamin J. Griffin	Phone Number:	202.434.7300
Company:	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.	Fax Number:	202.434.7400
Street:	701 Pennsylvania Avenue, NW Suite 900	E-Mail:	bjgriffin@mintz.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20004 -
Contact Title:	Member	Relationship:	Legal Counsel

(If your application is related to an application filed with the Commission, enter the file number below.)
3. Reference File Number

4a. Is a fee submitted with this application?

- If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).
 Governmental Entity Noncommercial educational licensee
 Other (please explain):

4b. Fee Classification

5. Type Request

- Change Station Location Extend Expiration Date Other

6. Temporary Orbit Location
61.5 W.L.

7. Requested Extended Expiration Date
2005-09-28 00:00:00.0

8. Description (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

Rainbow DBS requests extension of its existing STA to operate the Rainbow 1 DBS satellite over Channels 23 and 24 at 61.5 W.L. for an additional 180 days.

9. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes. Yes No

10. Name of Person Signing
Hank Ratner

11. Title of Person Signing
Vice Chairman

12. Please supply any need attachments.

Attachment 1: STA Narrative

Attachment 2:

Attachment 3:

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

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

In the Matter of)

Rainbow DBS Company LLC)

Application for Extension of Special)
Temporary Authority to Operate a Direct)
Broadcast Satellite Over Channels 23 and 24)
at 61.5° W.L.)

File No. SAT-STA-20050329-00078

**APPLICATION OF RAINBOW DBS COMPANY LLC FOR EXTENSION OF ITS
SPECIAL TEMPORARY AUTHORITY TO OPERATE A DIRECT BROADCAST
SATELLITE OVER CHANNELS 23 AND 24 AT 61.5° W.L.**

Rainbow DBS Company LLC ("Rainbow DBS")^{1/} is currently operating its Rainbow 1 Direct Broadcast Satellite ("DBS") over Channels 23 and 24 at the 61.5° W.L. orbital location under Special Temporary Authority ("STA").^{2/} Pursuant to Section 309(f) of the Communications Act of 1934,^{3/} Rainbow DBS hereby requests extension of its STA to operate Rainbow 1 over Channels 23 and 24 for a period not to exceed 180 days beginning on April 2,

^{1/} Rainbow DBS is an indirect wholly-owned subsidiary of Cablevision Systems Corporation ("Cablevision"). Rainbow DBS provides the VOOM television service to subscribers throughout the United States through the use of the Rainbow 1 satellite at 61.5° W.L.

^{2/} EchoStar Satellite Corporation and Rainbow DBS Company LLC, File Nos. SAT-STA-20030617-00117 and SAT-STA-20030623-00122, *Order and Authorization*, DA 03-3024 (rel. Oct. 1, 2003) ("*Rainbow DBS STA Order*"); Rainbow DBS Company LLC Application for Extension of Special Temporary Authority to Operate a Direct Broadcast Satellite Over Channels 23 and 24 at 61.5° W.L., File No. SAT-STA-20040319-00081 (filed March 19, 2004). In addition to the STA for Channels 23 and 24, Rainbow DBS operates Rainbow 1 over Odd Channels 1 through 21 at 61.5° W.L. under its permanent license. See R/L DBS Company, LLC, File No. SAT-MOD-20020408-00062, *Order and Authorization*, DA 03-1185 (rel. April 22, 2003).

^{3/} 47 U.S.C. § 309(f).

2005, subject to the same conditions that apply under its current STA.^{4/} Extension of the STA will ensure the most efficient use of scarce spectrum and serve consumer welfare by enabling Rainbow DBS to continue to provide service without any diminution during this time of transition for Rainbow DBS.

I. GRANT OF STA EXTENSION WILL NOT CAUSE ANY HARMFUL INTERFERENCE AND WILL SERVE THE PUBLIC INTEREST

The Commission has a long-standing policy of granting STA where such authorization will not cause harmful interference to other licensed operations and will serve the public interest, convenience and necessity.^{5/}

In granting Rainbow DBS's initial STA, the Commission found that it would "allow Rainbow [DBS], a new entrant in the DBS business, the opportunity to use expanded capacity for a limited period of time, in order to help initiate its DBS service."^{6/} The same public interest factors underlying the *Rainbow DBS STA Order* in October 2003 remain applicable today. As Rainbow DBS noted in its initial STA application, the public interest is served by the STA because it: (1) makes efficient use of fallow spectrum; (2) enables a new entrant to provide expanded service to its customers; and (3) fosters competition by enabling Rainbow DBS to offer more program options to consumers.^{7/}

As the Commission is aware, Rainbow DBS is in the midst of a transition. Since the last STA extension was filed, the Board of Directors of Cablevision authorized and directed the sale

^{4/} *Rainbow DBS STA Order* ¶¶ 14-21.

^{5/} *Rainbow DBS STA Order* ¶ 5. See also *Newcomb Communications, Inc., Order and Authorization*, 8 FCC Rcd 3631, 3633 (1993); *American Telephone & Telegraph Company, Order*, 8 FCC Rcd 8742 (1993); *Columbia Communications Corporation, Order*, 11 FCC Rcd 8639, 8640 (1996).

^{6/} *Rainbow DBS STA Order* ¶ 6.

^{7/} Application of R/L DBS Company, LLC for Special Temporary Authority to Operate a Direct Broadcast Satellite Over Channels 23 and 24 at the 61.5° W.L. Orbital Location, File No. SAT-STA-20030623-00122, at 9-15 (filed June 23, 2003) (citing public interest justifications used by the Commission to issue previous grants of STA in the DBS service).

of the assets of Rainbow DBS and the shutdown of its business.^{8/} On January 20, 2005, Rainbow DBS entered into a definitive agreement to sell its Rainbow 1 satellite and certain other related assets to a subsidiary of EchoStar Communications Corp., subject to regulatory approvals.^{9/} On January 28, 2005, EchoStar Satellite L.L.C. (“EchoStar”) and Rainbow DBS filed an application to assign the FCC authorization for the Rainbow 1 satellite (including the STA) to EchoStar.^{10/} That application has been accepted for filing and is currently pending before the Commission.^{11/} Extension of the STA would avoid disruption of the services the existing Rainbow DBS customers are currently receiving. The extension also would ensure that, after the STA is assigned to EchoStar, the two channels will continue to be used to serve the public.

Rainbow DBS has not and will not cause harmful interference to other licensed operations since the two channels it uses under STA are unassigned.^{12/} In any event, Rainbow DBS accepts and will continue to accept as a condition of STA that it will “cause no harmful interference to any other lawfully operating radio station” and will “cease operation on those channels immediately upon notification of such interference.”^{13/}

Rainbow DBS accepts in connection with its STA extension the same conditions imposed by the October 1, 2003 initial STA grant, including a non-interference obligation, a consumer

^{8/} Cablevision Systems Corporation, Form 10-K at 12 (filed Mar. 16, 2004).

^{9/} *Id.* at 12-13.

^{10/} See Application of EchoStar Satellite L.L.C. and Rainbow DBS Company LLC for the Assignment of FCC Licenses and Authorizations, File No. SAT-STA-20050128-00017 (filed Jan. 28, 2005).

^{11/} EchoStar Satellite L.L.C. and Rainbow DBS Company LLC Seek Approval for the Assignment of FCC Licenses and Authorizations Held by Rainbow DBS Company LLC to EchoStar Satellite L.L.C., IB Docket No. 05-72, Public Notice, DA 05-501 (rel. Feb. 25, 2005).

^{12/} See *id.* ¶ 5 (concluding that Rainbow DBS use of Channels 23 and 24 at 61.5° W.L. “will not cause harmful interference.”).

^{13/} *Id.* ¶ 16.

notification requirement, and an obligation to cease operations immediately upon the sooner of the STA expiration of the assignment of Channels 23 and 24 at 61.5° W.L.^{14/}

II. SECTION 304 WAIVER

In accordance with Section 304 of the Communications Act,^{15/} Rainbow DBS, as the party to this application, hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

III. CONCLUSION

For the foregoing reasons, Rainbow DBS respectfully requests that the Commission extend its special temporary authority for DBS channels 23 and 24 at 61.5° W.L. for a period of 180 days beginning April 2, 2005, subject to the conditions described herein.

^{14/} *Id.* ¶¶ 14-21.

^{15/} 47 U.S.C. § 304.

Respectfully Submitted,

Rainbow DBS Company LLC

By: /s/ Hank Ratner

Title: Vice Chairman
Rainbow DBS Company LLC
200 Jericho Quadrangle
Jericho, NY 11753
(516) 803-2569

Dated: March 29, 2005

ANTI-DRUG ABUSE ACT CERTIFICATION

Pursuant to Section 1.2002 of the Commission's rules, 47 C.F.R. § 1.2002, Rainbow DBS Company LLC ("Rainbow DBS") certifies that neither Rainbow DBS, nor any of its shareholders, nor any of its 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,

Rainbow DBS Company LLC

By: /s/ Hank Ratner

Title: Vice Chairman
Rainbow DBS Company LLC
200 Jericho Quadrangle
Jericho, NY 11753
(516) 803-2569

Dated: March 29, 2005

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