

Approved by OMB
3060-0678

Date & Time Filed: Aug 3 2005 7:04:53:123PM
File Number: SAT-STA-20050803-00157
Callsign: S2621

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 SAT-STA-20050701-00142

1. Applicant

Name:	EchoStar Satellite L.L.C.	Phone Number:	303-723-1000
DBA Name:		Fax Number:	303-723-1699
Street:	9601 South Meridian Blvd.	E-Mail:	
City:	Englewood	State:	CO
Country:	USA	Zipcode:	80112 -
Attention:	David K Moskowitz		



File # SAT-STA-20050803-00157
Call Sign S2621 Grant Date 8/5/05
(or other identifier)
Term Dates From 8/5/05 To + 30 days
Approved: [Signature]
Policy Branch Chief
w/ cond. trans.

ATTACHMENT

Conditions of Authorization: SAT-STA-20050803-00157

Call Sign: S2621

Grant Date: August 5, 2005

EchoStar Satellite, LLC's request, File No. SAT-STA-20050803-00157, IS GRANTED and EchoStar Satellite LLC ("EchoStar") IS AUTHORIZED to continue to conduct Tracking, Telemetry, and Command (TT&C) necessary to maintain the EchoStar 4 satellite at the 77° W.L. orbital location.¹ EchoStar IS ALSO AUTHORIZED to continue to operate at the 77° W.L. orbital location.² This authorization is subject to the following conditions:

1. At the 77° W.L. orbital location, Echostar shall operate so as not to exceed, under any conditions, and taking into account all variations in satellite attitude, the parameters specified in Attachment A of the Letter, dated May 10, 2005, from Pantelis Michalopoulos to the Secretary, FCC.

2. All operations at the 77° W.L. orbital location shall be on a non-harmful interference basis, *i.e.*, EchoStar Satellite LLC shall not cause harmful interference to, and shall not claim protection from interference caused to it by, any other lawfully operating satellites or radio communication service.

3. In the event of any harmful interference as a result of EchoStar's operations at the 77° W.L. orbital location, EchoStar shall cease operations immediately upon notification of such interference and shall inform the FCC, in writing, immediately of such an event.

4. EchoStar shall inform its customers that operations at the 77° W.L. orbital location are on a non-harmful interference basis and that EchoStar must cease operations upon notification of such interference.

5. EchoStar shall maintain full operational control of the EchoStar 4 satellite at all times.

6. This authorization is issued on the express understanding that, to the extent EchoStar, pursuant to its agreement with SES Latin America, a private company, and its affiliated companies, will conform its operations to any parameters agreed to in coordination agreements between the Administration of Mexico and other Administrations, responsibility for both compliance with and enforcing compliance with those agreements is a matter which would arise under private law.

7. This authorization is issued with the understanding that this grant is not an approval of any specific agreement entered into by EchoStar, its subsidiaries, and affiliates, nor of any specific provision of any such agreement, concerning operation of the EchoStar 4 satellite, nor is it an approval of an agreement concerning any related matter, nor of any specific provision of

¹ On July 6, 2005, the Satellite Division granted SAT-STA-20050701-00142. See Public Notice, Report No. SAT-00306 (rel. July 8, 2005).

² *Id.*

any such agreement concerning any related matter.

8. In connection with the provision of service in any particular country, EchoStar is obliged to comply with the applicable laws, regulations, rules, and licensing procedures of that country.

9. This authorization is issued with the understanding that the United States remains the licensing administration of the EchoStar 4 satellite for purposes of ITU Radio Regulation 18.1 unless and until the FCC expressly approves a transfer of responsibility to another licensing administration, and that operations of the EchoStar 4 satellite while the FCC remains the licensing administration are pursuant to ITU Radio Regulation 4.4.

10. This authorization is issued with the understanding that with respect to its filings with the ITU for the 77° W.L. orbital location, the Administration of Mexico is not acting pursuant to Article 9 of the Radio Regulations on behalf of the United States Administration.

11. This authorization is issued with the understanding that this grant does not in any way express a view concerning, or agreement as to, the validity or lack of validity of any ITU filing at or within the vicinity of the 77° W.L. orbital location.

12. Grant of this authorization does not convey to EchoStar any authority to operate a replacement satellite at the 77° W.L. orbital location or any priority in the United States satellite licensing process relative to applications for authority to operate a regularly authorized satellite at this orbital position.

13. Grant of this authority is without prejudice to action on EchoStar's STA request, File No. SAT-SAT-20050321-00068 (Call Sign S2621), EchoStar's License Modification Application, File No. SAT-MOD-20050513-00103 (Call Sign S2621), or EchoStar's application for Modification of an Earth Station authorization, SES-MFS-20050527-00662 (Call Sign E020306). Further, grant of this authorization does not constitute an authorization pursuant to Section 25.161(c) of the Rules, concerning automatic termination of license.



File # SAT-STA-20050803-00157

Call Sign S2621 Grant Date 8/5/05
(with identifier)

Term Dates
to 30 days

Andrew L. Kelly Policy Branch
granted w/ condition. Chief

2. Contact

Name:	Pantelis Michalopoulos	Phone Number:	202-429-6494
Company:	Step toe & Johnson LLP	Fax Number:	202-429-3902
Street:	1330 Connecticut Ave., N.W.	E-Mail:	pmichalo@step toe.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036 -1795
Attention:		Relationship:	Legal Counsel

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

3. Reference File Number SATSTA2005070100142

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
77 W.L.

7. Requested Extended Expiration Date
2005-09-04 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.)

See attached narrative.

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
David K. Moskowitz

11. Title of Person Signing
Executive Vice President and General Counsel

12. Please supply any need attachments.

Attachment 1: 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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THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

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

_____)
In the Matter of)

ECHOSTAR SATELLITE L.L.C.)

Application for Extension of Special)
Temporary Authority to Operate the EchoStar 4)
Satellite at the 77° W.L. Orbital Location)
Pursuant to U.S. Authority.)
_____)

File No. SAT-STA-20050701-00142

File No. SAT-STA-_____

Call Sign: S2621

EXPEDITED CONSIDERATION REQUESTED

APPLICATION

Pursuant to Section 309 of the Communications Act of 1934, as amended, 47 U.S.C. § 309, and Part 25 of the Commission's Rules, 47 C.F.R. Part 25, EchoStar Satellite L.L.C. ("EchoStar") hereby requests an extension of the term of the above-captioned STA for another 30 days to September 4, 2005. In support of this Application, EchoStar submits the following:

I. GRANT OF THE REQUESTED EXTENSION IS IN THE PUBLIC INTEREST

On July 6, 2005, the International Bureau ("Bureau") granted EchoStar an STA to move the EchoStar 4 satellite to the 77° W.L. orbital location and to operate at that location, subject to a number of conditions, for a thirty day period.¹ EchoStar requests an extension of the current

¹ See Stamp Grant, SAT-STA-20050701-00142 (granted July 6, 2005) ("STA"). The EchoStar 4 satellite reached the 77° W.L. orbital location and commenced operations on July 9, 2005. See Letter from Pantelis Michalopoulos, Counsel for EchoStar to Marlene H. Dortch, Secretary, FCC (July 11, 2005). Due to pointing difficulties, the satellite was initially operated at that location in conformance with the EIRP contours submitted to the Bureau on July 1, 2005. See Supplement No. 2 to Petition for Reconsideration at Attachment C, filed in File Nos. SAT-STA-20050321-00068, SAT-MOD-20050513-00103, SES-MFS-20050527-00662 (filed July 1, 2005). No reports of harmful interference have been received by EchoStar as a result of such

(Continued ...)

STA for another 30 days up to September 4, 2005, pending the Bureau's consideration of EchoStar's recently reinstated request to transfer licensing responsibility for the EchoStar 4 satellite at 77° W.L. from the United States to Mexico.² The Bureau has already found that it would serve the public interest to authorize EchoStar to move the EchoStar 4 satellite to the 77° W.L. orbital location and to operate temporarily from that location at its own risk, pending action on EchoStar's reconsideration petition. An extension of this STA for another 30 days will allow the Bureau to complete its review and analysis of EchoStar's recently reinstated application and would similarly serve the public interest.

II. WAIVER PURSUANT TO SECTION 304 OF THE ACT

In accordance with Section 304 of the Communications Act of 1934, as amended, 47 U.S.C. § 304, EchoStar 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.

operation and it should be noted that, as described in footnote 7 of the July 1 submission, the EchoStar 4 EIRP levels over the US and Canada are within those of the 1996 Mexican modification to the Region 2 BSS Plans. EchoStar has since resolved the satellite pointing difficulties through the use of a gimbaled antenna on EchoStar 4 and the satellite has since been operating in conformance with the EIRP contours referenced in Condition 5 of the STA.

² See *In the Matter of EchoStar Satellite L.L.C., Application for Special Temporary Authority to Conduct Telemetry, Tracking and Command Operations during the Relocation of EchoStar 4 to the 77° W.L. Orbital Location; Application for Modification of Direct Broadcast Satellite Authorization to Permit Long-Term Cessation of Operations on Three DBS Channels 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*, DA 05-1581 (rel. Jun. 3, 2005) ("June 3 Order"), *pet. for recon. granted in part*, DA 05-2067 (rel. Jul. 25, 2005) (reinstating the applications denied and dismissed under the June 3 Order). See also Public Notice, Report No. SAT-00311 (rel. Jul. 27, 2005) (placing reinstated satellite applications on public notice); Public Notice, Report No. SES-00734 (rel. Jul. 27, 2005) (placing reinstated earth station application on public notice).

III. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests the expeditious grant of the requested extension of the above-captioned STA to operate EchoStar 4 at 77° W.L. pursuant to U.S. authority.

Respectfully submitted,

Pantelis Michalopoulos
Philip L. Malet
Brendan Kasper
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000

Counsel for EchoStar Satellite L.L.C.

August 3, 2005

/s/
David K. Moskowitz
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