

Date & Time Filed: Sep 26 2005 5:13:03:270PM
File Number: SAT-STA-20050926-00183
Callsign:

FEDERAL COMMUNICATIONS COMMISSION
APPLICATION FOR SPACE STATION SPECIAL TEMPORARY AUTHORITY
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Extension of Special Temporary Authority

1. Applicant

Name:	Rainbow DBS Company LLC	Phone Number:	516-803-2300
DBA Name:		Fax Number:	516-803-4824
Street:	200 Jericho Quadrangle	E-Mail:	wilth@cablevision.com
City:	Jericho	State:	NY
Country:	USA	Zipcode:	11753 -
Attention:	Wilt Hildenbrand		

SAT-STA-20050926-00183 S2653 (DBS8701) Rainbow DBS Company LLC

Special Temporary Authority

Grant of Authority

Effective Date:

Nature of Service: Direct Broadcast Satellite Service

On September 29, 2005, the Satellite Policy Branch granted, with conditions, Rainbow DBS Company LLC's request for extension of authority to operate the 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 September 30, 2005 to March 29, 2006 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, SAT-STA-20050329-00078.]



File# SAT-STA-20050926-00183

Call Sign _____
(or other identifier)

Grant Date 9/30/05

From 9/30/05

Term Dates
To: 3/29/06

Approved: Cassandra C. Thomas

2. Contact

Name:	Benjamin J. Griffin	Phone Number:	202-661-8720
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 -
Attention:	Benjamin J. Griffin	Relationship:	Legal Counsel

(If your application is related to an application filed with the Commission, enter either the file number or the IB Submission ID of the related application. Please enter only one.)

3. Reference File Number SATSTA2005032900078 or Submission ID

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
2006-03-28 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.)

Extension of Special Temporary Authority to Operate the Rainbow 1 DBS satellite over DBS channels 23 and 24 at 61.5 W.L.

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: Extension Request

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)

Rainbow DBS Company LLC)

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

File No. _____

Call Sign S 2653 (DBS8701)

**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/} currently holds Special Temporary Authority (“STA”) to operate its Rainbow 1 Direct Broadcast Satellite (“DBS”) over Channels 23 and 24 at the 61.5° W.L. orbital location.^{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

^{1/} Rainbow DBS is an indirect wholly-owned subsidiary of Cablevision Systems Corporation (“Cablevision”). Rainbow DBS provides the VOOM program networks to MVPDs 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, *Order and Authorization*, 18 FCC Rcd 19825 (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); 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-20040924-00191 (filed Sept. 24, 2004); 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 (filed March 29, 2005). 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).

Channels 23 and 24 for a period not to exceed 180 days beginning on September 29, 2005, subject to the same conditions that apply under its current STA.^{4/} The requested extension of the STA will enable Rainbow DBS to maintain its existing operating authority for Channels 23 and 24 until the pending assignment of the Rainbow 1 satellite to EchoStar Communications Corp. (“EchoStar”) is approved and can be consummated.

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/} The public interest is served by granting the requested further extension of the STA because it enables Rainbow DBS to maintain its authority to operate all 13 transponders on Rainbow 1 until the Commission completes its review of the pending assignment application.

As the Commission is aware, Rainbow DBS is in the midst of a transition. The Board of Directors of Cablevision has authorized and directed the sale of the assets of Rainbow DBS and ordered the shutdown of its business.^{6/} 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, subject to regulatory approvals.^{7/} On January 28, 2005, EchoStar and Rainbow DBS filed an application to assign the FCC authorization for the Rainbow 1 satellite (including

^{4/} *Rainbow DBS STA Order*, 18 FCC Rcd at 19829-30 ¶¶ 14-21.

^{5/} *Id.* at 19827 ¶ 5. See also *Newcomb Communications, Inc., Order and Authorization*, 8 FCC Rcd 3631, 3633 (1993); *American Telephone & Telegraph Company, Order*, 8 FCC Rcd 8742, 8742 (1993); *Columbia Communications Corporation, Order*, 11 FCC Rcd 8639, 8640 (1996).

^{6/} Cablevision Systems Corporation, Form 10-K at 12 (filed Mar. 16, 2005) (“Cablevision Form 10-K”). The distribution business of Rainbow DBS has now been shutdown. Cablevision Systems Corporation, Form 10-Q at I-10 (filed Aug 9, 2005)

^{7/} Cablevision Form 10-K at 12-13.

the STA) to EchoStar.^{8/} That application has been accepted for filing, has no formal opposition, and is currently pending before the Commission.^{9/} Extension of the STA will enable Cablevision and Rainbow DBS to avoid disruption of the services being provided over the Rainbow 1 satellite until the assignment is approved and the transaction is closed, and it will allow for an orderly transition once the assignment application is approved. 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.^{10/} In any event, Rainbow DBS accepts and will continue to accept as a condition of this 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.”^{11/}

Rainbow DBS also accepts in connection with its STA extension the other conditions imposed by the October 1, 2003 initial STA grant, including a consumer notification requirement, and an obligation to cease operations immediately upon the sooner of the STA expiration or the assignment of Channels 23 and 24 at 61.5° W.L.^{12/}

^{8/} 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).

^{9/} 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).

^{10/} See *Rainbow DBS STA Order*, 18 FCC Rcd at 19827 ¶ 5 (concluding that Rainbow DBS use of Channels 23 and 24 at 61.5° W.L. “will not cause harmful interference”).

^{11/} *Id.* at 19829 ¶ 16.

^{12/} *Id.* at 19829-30 ¶¶ 14-21.

II. SECTION 304 WAIVER

In accordance with Section 304 of the Communications Act,^{13/} 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.

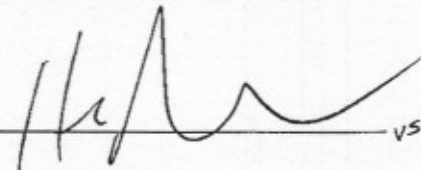
III. CONCLUSION

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 September 29, 2005, subject to the conditions described herein.

^{13/} 47 U.S.C. § 304.

Respectfully Submitted,

Rainbow DBS Company LLC

By:  vs

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

Dated: September 26, 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:  vs

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

Dated: September 26, 2005

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