

Approved by OMB  
3060-0678

Date & Time Filed: Jan 4 2006 6:14:55:780PM  
File Number: SAT-STA-20060104-00002  
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:  
EchoStar 10 Launch and Test Authority STA

1. Applicant

<b>Name:</b>	EchoStar Satellite Operating Corporation	<b>Phone Number:</b>	303-723-1000
<b>DBA Name:</b>		<b>Fax Number:</b>	303-723-1699
<b>Street:</b>	9601 South Meridian Boulevard	<b>E-Mail:</b>	
<b>City:</b>	Englewood	<b>State:</b>	CO
<b>Country:</b>	USA	<b>Zipcode:</b>	80112 -
<b>Attention:</b>	David K Moskowitz		



File # SAT-STA 2006-0104-00002  
Call Sign \_\_\_\_\_ Grant Date 2/3/06  
(or other Identifier)  
Term Dates  
From 2/8/06 To: + 60 days  
Approved: [Signature]  
with conditions Policy Branch Chief

**CONDITIONS OF GRANT**  
**February 3, 2006**  
**IBFS: SAT-STA-20060104-00002**

EchoStar Satellite Operating Corporation's (EchoStar's) request for Special Temporary Authority, File No. SAT-STA-20060104-00002, IS GRANTED. Accordingly, EchoStar is authorized to launch and conduct in-orbit testing of the EchoStar 10 satellite at the 138.5° W.L. orbit location for a period of 60 days commencing on February 8, 2006, in accordance with the terms and technical specifications set forth in its application, this Attachment and the Federal Communications Commission's Rules, subject to the following conditions:

1. EchoStar shall coordinate all Telemetry, Tracking, and Control operations with other potentially affected in-orbit DBS or Fixed- Satellite Service operators.
2. During the launch and testing of the EchoStar 10 satellite, operations must be on a non-harmful interference basis, that is, EchoStar shall not cause interference to, and shall not claim protection from interference caused to it by any other lawfully operating satellites or radio communications systems.
3. In the event that any harmful interference is caused as a result of operations of the EchoStar 10 satellite, EchoStar shall cease operations immediately upon notification of such an event, and shall inform the Commission immediately, in writing, of the event.
4. EchoStar's use of the 138.5° W.L. orbit location will be for the testing of EchoStar 10 satellite only. EchoStar 10 shall make no commercial transmissions from this location.
5. This testing authority for EchoStar 10 is limited to the frequencies for which EchoStar has requested permanent authorization for the EchoStar 10 space station.
6. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at EchoStar's own risk.
7. EchoStar shall notify the Commission by email to [Rockie.Patterson@fcc.gov](mailto:Rockie.Patterson@fcc.gov) and [Chip.Fleming@fcc.gov](mailto:Chip.Fleming@fcc.gov) 48 hours prior to the initiation of testing of the EchoStar 10 satellite at 138.5° W.L. orbit location and again within 24 hours after the completion of testing of the EchoStar 10 satellite at the 138.5° W.L. orbit location.
8. Grant of this STA is without prejudice to any action on IBFS File No. SAT-LOA-20051221-00267 and SAT-STA-20051130-00257.
9. EchoStar has 30 days from the date of the release of this order to decline this authorization as conditioned. Failure to respond within that period will constitute formal acceptance of the authorization as conditioned.

10. This authorization is subject to change in any of its terms or cancellation in its entirety at any time upon reasonable notice, but without hearing, if in the opinion of the Commission, circumstances require.
11. This order is issued pursuant to Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, and is effective upon release.



with  
conditions

SAT-STA-2006010400002

Grant Date 2/3/06  
(and other identifier)  
Term Dates  
From 2/8/06 To: +60 days  
Approved: [Signature]  
Policy Branch Chief

2. Contact

<b>Name:</b>	Pantelis Michalopoulos	<b>Phone Number:</b>	202-429-6494
<b>Company:</b>	Steptoe & Johnson LLP	<b>Fax Number:</b>	202-429-3902
<b>Street:</b>	1330 Connecticut Ave., NW	<b>E-Mail:</b>	pmichalo@steptoe.com
<b>City:</b>	Washington	<b>State:</b>	DC
<b>Country:</b>	USA	<b>Zipcode:</b>	20036 -1795
<b>Attention:</b>		<b>Relationship:</b>	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 SATMOD2005122100267 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    CRY – Space Station (Geostationary)

5. Type Request

- Change Station Location                       Extend Expiration Date                       Other

6. Temporary Orbit Location  
138.5

7. Requested Extended Expiration Date

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.)

EchoStar requests temporary authority for up to 60 days to launch and test the EchoStar 10 satellite at 138.5 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  
David K. Moskowitz

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

12. Please supply any need attachments.

Attachment 1: STA Application

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	)	
	)	
<b>ECHOSTAR SATELLITE OPERATING CORPORATION</b>	)	File No. SAT-STA-2006_____
	)	
For Special Temporary Authority to Launch the EchoStar 10 Satellite and Test EchoStar 10 at 138.5° W.L.	)	
	)	

***EXPEDITED ACTION REQUESTED***

**APPLICATION FOR SPECIAL TEMPORARY AUTHORITY**

By this application, EchoStar Satellite Operating Corporation ("EchoStar") respectfully requests special temporary authority ("STA") to permit EchoStar to launch its new EchoStar 10 satellite and test this satellite at the 138.5° W.L. orbital location for a period of up to 60 days. EchoStar 10 is a Direct Broadcast Satellite ("DBS") satellite that EchoStar proposes to operate at the 110° W.L. orbital location. EchoStar has filed a minor modification to its authorization to provide DBS service at 110° W.L. to allow it to launch and operate the EchoStar 10 satellite.<sup>1</sup> In

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<sup>1</sup> See SAT-MOD-20051221-00267. In this application, EchoStar explained that launch and operation of EchoStar 10 at 110° W.L. will have significant public interest benefits including: improved spectrum efficiency; additional and improved programming and services, including more local-into-local services, High Definition programming and international services; and more meaningful competition in the MVPD market. Further, together with the operation of EchoStar 5 at 129° W.L. and other measures, the operation of EchoStar 10 at 110° W.L. is a critical component of EchoStar's ability to comply with the "single dish" requirement introduced by Section 203 of the Satellite Home Viewer Extension and Reauthorization Act. *Codified at 47 U.S.C. § 338(g).*

addition, EchoStar has applied for special temporary authority to test the EchoStar 10 satellite at the 138.5° W.L. orbital location for a period of up to 90 days.<sup>2</sup>

As discussed below, launch and temporary operation of EchoStar 10 at 138.5° W.L. will permit testing to occur without disruption to existing customers at 110° W.L. and will not adversely affect the operation of any other carrier's spacecraft or other authorized spectrum users. EchoStar requests expedited action on this request because EchoStar 10 is tentatively scheduled to launch in early February 2006 and it does not appear that consideration of EchoStar's minor modification application to launch and operate EchoStar 10 and its longer term testing STA application will be completed soon enough to accommodate the tentative launch date.

#### **I. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST**

The Commission has a long-standing policy of granting Special Temporary Authority where such authorization will not cause harmful interference and will serve the public interest, convenience and necessity. *See e.g., In the Matter of Newcomb Communications, Inc.*, 8 FCC Rcd. 3631, 3633 (1993); *In the Matter of Columbia Communications Corp.*, 11 FCC Rcd. 8639, 8640 (1996); *In the Matter of American Telephone & Telegraph Co.*, Order, 8 FCC Rcd. 8742 (1993). The requested operations meet both of these tests.

First, launching and testing EchoStar 10 at 138.5° W.L. will not cause harmful interference to any other spacecraft or authorized user of the spectrum. There are no operational DBS satellites serving the United States or any other country within nine degrees on either side of the 138.5° W.L. orbital location. Second, the 138.5° W.L. orbital location is not allotted by the ITU to any administration in the Region 2 Plan, and none of the neighboring slots that have

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<sup>2</sup> *See* SAT-STA-20051130-00257. EchoStar has also filed modification applications for a number of earth stations to allow them to communicate with the EchoStar 10 satellite.



such ITU allotments are expected to be used during the relevant time period. Third, launch and testing EchoStar 10 at 138.5° W.L. serves the public interest. Launch and testing EchoStar 10 at this location will allow EchoStar to ensure that EchoStar 10 is fully operational when it arrives at 110° W.L., thereby avoiding any interruption in service that otherwise might be associated with spacecraft testing.

EchoStar seeks authority to launch and test EchoStar 10 subject to the following conditions:

(a) EchoStar will coordinate its tests operations with all potentially affected operating satellite networks.

(b) The test operations will not cause harmful interference to any lawfully operating satellite network or radio communication system and EchoStar will cease its test operations immediately upon notification of any harmful interference. In addition, EchoStar will inform the Commission in writing that it has received such a notification within 14 days of the receipt.

(c) EchoStar will accept interference from any lawfully operating satellite network or radio communication service.

(d) Testing authority is limited to the frequencies for which the EchoStar 10 satellite will be authorized.

(e) The authorization is subject to change in any of its terms or cancellation in its entirety at any time upon reasonable notice, but without hearing, if in the opinion of the Commission, circumstances require.

(f) EchoStar shall notify the Commission in writing no later than seven days after it has completed testing of EchoStar 10 and commenced moving EchoStar 10 to its authorized orbital location.

(g) The temporary authority is for launch and testing purposes and shall not be used for the provision of commercial service.

## **II. SECTION 304 WAIVER**

In accordance with Section 304 of the Communications Act of 1934, 47 U.S.C. § 304, EchoStar hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum because of the previous use of the same, whether by license or otherwise.

### III. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests special temporary authority to launch and test EchoStar 10 at 138.5° W.L. for a period of up to 60 days.

Respectfully submitted,

**EchoStar Satellite Operating Corporation**

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Brendan Kasper  
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David K. Moskowitz  
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*Counsel for EchoStar Satellite Operating Corporation*

January 4, 2006