

Approved by OMB
3060-0678

Date & Time Filed: Mar 3 2006 7:44:47:990PM
File Number: SAT-STA-20060303-00021
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:
Application for Special Temporary Authority to Move EchoStar 10 from 138.5W to 110.2W

I. Applicant

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

1



File # SAT-STA-20060303-00021

Call Sign _____ Grant Date 3/8/06
(or other identifier)

Term Dates
From 3/21/06 To: + 60 days

Approved: [Signature]

w/conditions Policy Branch Chief

ATTACHMENT
Conditions of Authorization: SAT-STA-20060303-00021
Call Sign: S2694
Grant Date: March 8, 2006

EchoStar Satellite Operating Corporation's ("EchoStar") request for special temporary authority (STA), File No. SAT-STA-20060303-00021, IS GRANTED. Accordingly, EchoStar IS AUTHORIZED for a period of 60 days commencing on March 21, 2006, to conduct Tracking, Telemetry, and Command (TT&C) necessary to (1) relocate its EchoStar 10 satellite from its testing orbital location at 138.5° W.L. to 110.2° W.L. and (2) station the satellite at 110.2° W.L. (using only Telemetry, Tracking and Command (TT&C) frequencies) in accordance with the terms, conditions, and technical specifications set forth in its application, the Commission's rules, and this Attachment:

1. Grant of this STA is without prejudice to action on EchoStar's pending application IBFS File No. SAT-LOA-20051221-00267 (Call Sign S2694).
2. During the drift to and operation at 110.2° W.L., no harmful interference shall be caused by EchoStar to any other lawfully operating space station or radio communications system.
3. In the event of any harmful interference as a result of EchoStar's operations during the relocation to or stationing at the 110.2° 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 is required to accept interference from other lawfully operating space stations or radio communications systems.
5. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at EchoStar's own risk.
6. EchoStar is prohibited from operating the communications payload of the EchoStar 10 satellite.
7. EchoStar is afforded thirty days from the date of release of this action to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.
8. This Grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately.



w/conditions

File # SAT-STA-20060303-00021

Call Sign _____ Grant Date 3/8/06
(or other identifier)

From 3/21/06 Term Dates To: + 60 days

Approved: [Signature]
Policy Branch Chief

2. Contact	
Name:	Pantelis Michalopoulos
Company:	Step toe & Johnson LLP
Street:	1330 Connecticut Ave., NW
City:	Washington
Country:	USA
Attention:	
Phone Number:	202-429-6494
Fax Number:	202-429-3902
E-Mail:	pmichalo@step toe.com
State:	DC
Zipcode:	20036 -1795
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 or Submission ID	
4a. Is a fee submitted with this application?	
<input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R.Section 1.1114). <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee <input type="radio"/> Other(please explain):	
4b. Fee Classification CRY - Space Station (Geostationary)	
5. Type Request	
<input checked="" type="radio"/> Change Station Location <input type="radio"/> Extend Expiration Date <input type="radio"/> Other	
6. Temporary Orbit Location 110.2W	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.)

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: Echo 10 STA

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 OPERATING)
CORPORATION)

For Special Temporary Authority to Move)
The EchoStar 10 Satellite from 138° W.L.)
To 110.2° W.L.)
_____)

File No. SAT-STA-2006 _____

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

By this application, EchoStar Satellite Operating Corporation (“EchoStar”) respectfully requests special temporary authority (“STA”) for a total period of up to 60 days starting on or around March 21, 2006, to (1) move its EchoStar 10 satellite from its testing orbital location at 138.5° W.L. to 110.2° W.L. and (2) station the satellite there (using only Telemetry, Tracking and Command (“TT&C”) frequencies) pending disposition of EchoStar’s application for permanent authority to operate the satellite at that location. The 110.2° W.L. orbital location is within the 110° W.L. DBS “cluster” assigned to the United States and already pending before the Commission is an application for authority to operate the EchoStar 10 satellite using 10 of the 29 DBS frequencies already licensed to EchoStar at that location.

EchoStar emphasizes that the instant STA request is only for authority to use EchoStar 10’s TT&C beacon for the purpose of moving and stationing the satellite. During the move from 138.5° W.L. to 110.2° W.L., and while the satellite is stationed at 110.2° W.L., EchoStar 10’s communications payload (other than its TT&C payload) will be turned off until such time as EchoStar’s application for permanent authority to operate the satellite at 110.2° W.L. is granted

by the Commission. The relocation of the satellite will be coordinated with other satellite operators so as to avoid physical collisions and harmful interference from the use of TT&C frequencies.

I. BACKGROUND

EchoStar is currently operating two satellites at the 110° W.L. orbital location. EchoStar 8 is a spot- and CONUS-beam satellite operating on 20 of EchoStar's 29 assigned channels at the 110.0° W.L. orbital location.¹ EchoStar 6 is a CONUS-beam satellite operating on nine of those frequencies at the 110.2° W.L. orbital location.² EchoStar has requested authorization to provide DBS service from 110.2° W.L. using the EchoStar 10 satellite.³ Pursuant to Special Temporary Authority granted on February 3, 2006,⁴ EchoStar launched EchoStar 10 to the 138.5° W.L. orbital location for in-orbit testing. Testing is due to be completed on or about March 21, 2006.

Once testing is completed, EchoStar plans to move the EchoStar 10 satellite to 110.2° W.L. and to station it there using TT&C frequencies only, pending the Commission's consideration of EchoStar's application for operating authority. In addition, pursuant to separate Commission authority that is being requested, EchoStar plans to temporarily move EchoStar 6 to

¹ *EchoStar Satellite Corporation, Application for Minor Modification of Direct Broadcast Satellite Authorization, Launch and Operating Authority for EchoStar VIII*, Order and Authorization, 17 FCC Rcd 11326 (2002).

² *EchoStar Satellite Corporation, Application for Minor Modification of Four DBS Space Station Authorizations To Operate on 11 Channels at 119° W.L., To Operate on 10 Channels at 119° W.L., To Operate on 28 Channels at 110° W.L., To Operate on 1 Channel at 110° W.L., Application for Renewal of Special Temporary Authority to Operate a Direct Broadcast Satellite at the 110° W.L. Orbital Location*, Memorandum Opinion and Order, 18 FCC Rcd 15211 (2003).

³ See SAT-LOA-20051221-00267 (filed Dec. 21, 2005).

⁴ See Stamp Grant, File No. SAT-STA-20060104-00004 (granted Feb. 3, 2006).

110.35° W.L. to facilitate the traffic transfer operations among EchoStar's satellites that will be conducted after operating authority for EchoStar 10 is granted.⁵

II. 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). In this case, both criteria are met.

First, moving EchoStar 10 from its testing location at 138.5° W.L. will not cause harmful interference to any other spacecraft because EchoStar will turn off all of its communications transponders with the exception of its TT&C frequencies during the relocation. Furthermore, EchoStar will coordinate with every operator that may be affected during the relocation. Similarly, stationing EchoStar 10 at 110.2° W.L. using only TT&C frequencies, and with the satellite's main communications payload turned off, will not cause any harmful interference to any other spacecraft.⁶

Relocating EchoStar 10 to 110.2° W.L. also serves the public interest as it will enable EchoStar to move its satellite to its requested destination and provide expanded DBS service from the 110.2° W.L. orbital location,⁷ and to expeditiously commence service upon grant of EchoStar's application for operating authority. The spot beam configuration of the EchoStar 10

⁵ See SAT-STA-2006 _____ (filed Mar. 3, 2006).

⁶ EchoStar has reached an accommodation with DIRECTV with respect to a single overlapping telemetry frequency.

⁷ See SAT-MOD-20051221-00254.

satellite will allow EchoStar to employ greater spectrum reuse techniques in order to provide both more and improved advanced services to its subscribers. It also represents a critical component of EchoStar's ability to comply with the "single dish" requirement in the Satellite Home Viewer Extension and Reauthorization Act.

Accordingly, EchoStar is prepared to accept the following conditions on its request for temporary authority for a total period of 60 days to move EchoStar 10 to 110.2° W.L. and to station it there pending disposition of EchoStar's application for operating authority:

- a) EchoStar will turn off all communications transponders with the exception of its TT&C frequencies (1) during the relocation of EchoStar 10 from 138.5° W.L. to 110.2° W.L. and (2) while EchoStar 10 is stationed at 110.2° W.L. pending the grant of EchoStar's application of operating authority. In addition, EchoStar will coordinate its relocation operations with all potentially affected operating satellite networks.
- b) All TT&C operations for EchoStar 10 during its relocation and while it is stationed at 110.2° W.L. shall not cause harmful interference to any lawfully operating satellite network, and EchoStar will accept interference from any lawfully operating satellite network. In the event that EchoStar is notified of any harmful interference during relocation or while the satellite is stationed at 110.2° W.L., it will immediately inform the Commission, in writing, of the occurrence of such an event.
- c) 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 110° W.L..

III. 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.

