

STEPTOE & JOHNSON <sup>LLP</sup>

ATTORNEYS AT LAW

Pantelis Michalopoulos  
202.429.6494  
pmichalo@steptoe.com

1330 Connecticut Avenue, NW  
Washington, DC 20036-1795  
Tel 202.429.3000  
Fax 202.429.3902  
steptoe.com

March 5, 2007

Via HAND DELIVERY

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

FILED/ACCEPTED  
MAR - 5 2007  
Federal Communications Commission  
Office of the Secretary

Re: **EchoStar Satellite Operating Corp.**  
**File Nos. SAT-STA-20060324-00029, SAT-STA-20070105-0008**

Dear Ms. Dortch:

EchoStar Satellite Operating Corporation hereby submits for the public file a redacted version of a Status Report describing the status of the replacement satellite for the EchoStar 3 satellite and the operating status of the EchoStar 3 satellite. An unredacted version of this report is being submitted separately with a request for confidential treatment pursuant to 47 C.F.R. §§ 0.457 and 0.459.

Please contact the undersigned if you have any questions concerning this filing.

Respectfully submitted,



Pantelis Michalopoulos  
*Counsel for EchoStar Satellite Operating Corp.*

cc:  
Robert Nelson, International Bureau

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

FILED/ACCEPTED

MAR - 5 2007

Federal Communications Commission  
Office of the Secretary

In the Matter of	)	
	)	
<b>EchoStar Satellite Operating Corporation</b>	)	
	)	
Application for Extension and Modification of	)	IBFS File No. SAT-STA-20060324-
Special Temporary Authority to Operate	)	00029
Direct Broadcast Satellite Service over	)	IBFS File No. SAT-STA-20070105-
Channels 23 and 24 at the 61.5° W.L. Orbital	)	00008
Location	)	

**STATUS REPORT**

The International Bureau (“Bureau”) recently provided EchoStar Satellite Operating Corporation (“EchoStar”) with additional flexibility to operate on two unassigned DBS channels at 61.5° WL.<sup>1</sup> The resulting ability to provide additional regular programming from the EchoStar 12 satellite has had distinct pro-consumer effects. Pursuant to that *Order*, EchoStar submits a satellite health report on the EchoStar 3 satellite, and an update on the long-term operational strategy for the 61.5° WL orbital location.

**Background.** EchoStar operates two satellites (EchoStar 3 and EchoStar 12, formerly Rainbow 1) at the 61.5° WL orbital location, and is licensed to operate on 22 of the 32 DBS channels at this location. *Order*, ¶ 2. The EchoStar 3 satellite was launched by EchoStar in 1997, and has had a number of complications with respect to transponder health detailed below. The EchoStar 12 satellite was acquired from Rainbow in 2005, and is capable of operating only on the 11 channels formerly licensed to Rainbow and the two unassigned DBS channels.

<sup>1</sup> See *EchoStar Satellite Operating Corporation, Application for Extension and Modification of Special Temporary Authority to Operate Direct Broadcast Satellite Service over Channels 23 and 24 at the 61.5° W.L. Orbital Location*, Order and Authorization, DA 07-518, ¶ 15 (Feb. 2, 2007) (“*Order*”).

Since 1998, the Federal Communications Commission (“Commission”) has permitted DBS providers to operate on the two unassigned channels at the 61.5° WL orbital location pursuant to special temporary authority subject to different operating conditions.<sup>2</sup> The Commission has highlighted repeatedly “the importance of ensuring that spectrum can continue to serve the public rather than lying fallow unnecessarily, even on a temporary basis.”<sup>3</sup> In 2005, EchoStar received again special temporary authority to operate on these two channels as part of the Rainbow transaction.<sup>4</sup>

In March 2006, EchoStar sought an extension of this special temporary authority, and also requested a modification to relax one of the associated conditions.<sup>5</sup> In January 2007, EchoStar modified its prior request, seeking relaxation of a second condition.<sup>6</sup> The primary need

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<sup>2</sup> See *Rainbow DBS Company, LLC and EchoStar Satellite L.L.C.*, Memorandum Opinion and Order, FCC 05-177, ¶ 29 (Oct. 12, 2005) (“*Rainbow 1 Assignment Order*”) (explaining that these channels “are the only two remaining unassigned DBS channels in the 12 GHz band that are assigned to the United States that can provide service to most of the contiguous United States.”).

<sup>3</sup> *EchoStar Satellite Corporation and Rainbow DBS Company LLC*, Order and Authorization, 18 FCC Rcd 19825, ¶ 8 (2003).

<sup>4</sup> The Rainbow STA was assigned to EchoStar Satellite L.L.C. (“ESLLC”) in October 2005 as part of the sale of the Rainbow 1 satellite to EchoStar. See *EchoStar Satellite L.L.C.*, File No. SAT-STA-20050930-00183 (granted Sept. 30, 2005); see also *Rainbow 1 Assignment Order*. The STA was then assigned from ESLLC to EchoStar in September 2006. See *Application for Pro Forma Assignment of Licenses from EchoStar Satellite L.L.C. to EchoStar Satellite Operating Corporation*, File No. SAT-ASG-20051129-00256 (granted Sep. 13, 2006).

<sup>5</sup> See File No. SAT-STA-20060324-00029. Specifically, the customer notification condition required EchoStar to notify subscribers that the services provided using the two unassigned channels were provided pursuant to a grant of temporary authority and could be reduced or discontinued at any time. EchoStar was also required to provide billing inserts informing consumers of the services provided on these channels and the expiration date of the temporary authority for the two channels.

<sup>6</sup> See File No. SAT-STA-20070105-00008. The programming condition required that the STA channels be used only for free-standing separate programming, as opposed to “regular” package programming.

for unrestricted use of the unassigned channels was to mitigate the deteriorating health of the transponders on EchoStar 3. Specifically, in order to ensure sufficient capacity is available at the 61.5° WL orbital location to provide consumers with all regular DISH Network package programming, EchoStar needed to expand the use of EchoStar 12 to help offset the losses on EchoStar 3. *See Order*, ¶ 6. The Bureau granted the requests on February 2, 2007, providing EchoStar the necessary authority to provide regular package programming on the two unassigned channels. *See, e.g., Order*, ¶ 10. The unrestricted use of the unassigned channels is permitted until a replacement satellite begins operations at 61.5° WL.<sup>7</sup> The unassigned channels have already provided critical additional capacity and flexibility.

***Satellite Health Report.*** The Bureau requested that EchoStar provide a health report on the EchoStar 3 satellite. The most recent highly confidential spacecraft health report for EchoStar 3 is attached.<sup>8</sup> As a general matter, [

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As detailed in that report, EchoStar 3 was originally designed to operate a maximum of 32 transponders at approximately 120 watts per channel, switchable to 16 transponders operating at over 230 watts per channel, and was equipped with a total of 44 traveling wave tube amplifiers (“TWTA’s”) to provide redundancy. [

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<sup>7</sup> *Order*, ¶ 8. EchoStar is also required to terminate all operations pursuant to this special temporary authority when a “regularly-assigned licensee begins operations on these channels.” *Order*, ¶ 8. The Commission has an open proceeding addressing the licensing of these channels. *See Amendment of the Commission’s Policies and Rules for Processing Applications in the Direct Broadcast Satellite Service in the United States*, Notice of Proposed Rulemaking, 21 FCC Rcd 9443 (2006).

<sup>8</sup> [

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*Replacement Satellite.* The Bureau notes that EchoStar’s long-term solution to address problems with EchoStar 3 is a replacement satellite at 61.5° WL “that will be capable of operating on all of EchoStar’s assigned and leased channels at the 61.5° WL orbital location.” *Order*, ¶ 6. The Bureau has asked for a status report on that strategy. *Order*, ¶ 15. As the Bureau is aware, the fluid nature of operating a fleet of EchoStar’s size makes it difficult to project the demands of our satellite fleet in the future, because long-term plans must adapt to reflect technical, operational, vendor, and competitive developments.

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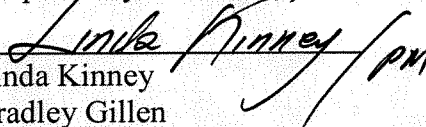
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] EchoStar expects to file a request to extend the special temporary authority prior to the April 3, 2007 expiration date, and commits to providing an update on any new developments at that time.

Respectfully submitted,

  
Linda Kinney  
Bradley Gillen  
ECHOSTAR SATELLITE L.L.C.  
1233 20<sup>th</sup> Street N.W.  
Washington, D.C. 20036-2396  
(202) 293-0981

March 5, 2007

**SPACECRAFT HEALTH REPORT**  
**SPACECRAFT: ES03**

**(Redacted)**