

Approved by OMB
3060-0678

Date & Time Filed: Mar 30 2006 12:42:17:266PM
File Number: SAT-STA-20060330-00032
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:
EXPEDITED ACTION REQUESTED Application for Special Temporary Authority to Operate the EchoStar 10 Satellite at 110.2W.
L.

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-20060330-
00032

Call Sign _____ Grant Date 4/5/06
(or other identifier)

Term Dates
From 4/7/06 To: + 60 days

Approved: [Signature]

w/conditions

Policy Branch Chief

ATTACHMENT
Conditions of Authorization: SAT-STA-20060330-00032
Call Sign: S2694
Grant Date: April 5, 2006

EchoStar Satellite Operating Corporation's ("EchoStar") request for special temporary authority (STA), File No. SAT-STA-20060330-00032, IS GRANTED. Accordingly, EchoStar IS AUTHORIZED for a period of 60 days commencing on April 7, 2006, to operate the EchoStar 10 satellite at 110.2° W.L. with feeder links (Earth to space) in the 17.3–17.8 GHz band on DBS channels 2-7, 9-27, 29, and 31, and service links (space to Earth) in the 12.2–12.7 GHz band on DBS channels 4, 12, 18, 20, 23, 25, and 26, in accordance with the terms, conditions, and technical specifications set forth in its application, Federal Communication Commission (Commission) rules, EchoStar 10's partial authorization to operate at the 110.0° W.L orbital location, granted on March 27, 2006, IBFS File No. SAT-LOA-20051221-00267, as amended by SAT-AMD-20060120-00007, and this Attachment:

1. EchoStar shall operate EchoStar 10 at 110.2° W.L. with +/- 0.05 longitudinal stationkeeping.
2. EchoStar may not operate EchoStar 10 on DBS downlink channels 27, 29, and 31.
3. EchoStar is required to accept interference from other lawfully operating space stations or other radiocommunication systems. EchoStar 10 shall not cause harmful interference to any other lawfully operating radiocommunication systems. Should harmful interference to another lawfully operating radiocommunication system occur, EchoStar shall immediately cease the operations causing the harmful interference and immediately notify the Commission in writing.
4. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at EchoStar's own risk.
5. Grant of this authority is without prejudice to any enforcement action that may be taken regarding failure to notify Commission staff of the completion of testing of EchoStar 10 at the 138.5° W.L. orbital location as required by Condition 7 of the February 3, 2006, grant of IBFS File No. SAT-STA-20060104-00002.
6. Grant of this authority is without prejudice to EchoStar's pending modification request for permanent authority to operate EchoStar 10 at the 110.2° W.L. orbital position, IBFS File No. SAT-MOD-20060329-00031.
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-20060330-00032

Call Sign _____ Grant Date 4/5/06
(or other identifier)

Term Dates
From 4/7/06 To: + 60 days

Approved: Arthur A. Neeley
Policy Branch Chief

2. Contact	
Name: Pantelis Michalopoulos	Phone Number: 202-429-3000
Company: Steptoe & Johnson LLP	Fax Number: 202-429-3902
Street: 1330 Connecticut Avenue NW	E-Mail: pmichalo@steptoe.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 either the file number or the IB Submission ID of the related application. Please enter only one.)	
3. Reference File Number SATMOD2006032900031 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	
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. Expedited action requested.

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 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 OPERATING CORPORATION)	File No. SAT-STA-2006_____
)	
For Special Temporary Authority to Operate The EchoStar 10 Satellite at 110.2° W.L.)	
)	

EXPEDITED ACTION REQUESTED

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

By this application, EchoStar Satellite Operating Corporation (“EchoStar”) respectfully requests a 60-day special temporary authority (“STA”) to operate the EchoStar 10 satellite at the 110.2° W.L. orbital location, beginning on or about April 7, 2006, on the same terms as its present permanent authorization to operate EchoStar 10 at 110.0° W.L. and pending the grant of its minor modification application for permanent authority to operate at 110.2° W.L. In other words, EchoStar does *not* propose to operate on DBS downlink channels 27, 29 and 31 until either the conclusion of a coordination agreement with DIRECTV or further Commission action. Grant of the requested STA would be consistent with the Commission’s prior decisions permitting EchoStar to operate on its assigned DBS channels (other than downlink channels 27, 29 and 31) anywhere within the 110° W.L. DBS “cluster” (*i.e.* between 109.8° W.L. and 110.2° W.L.), and, moreover, would serve the public interest by enabling EchoStar to expeditiously begin using EchoStar 10 to provide service to the public from its intended orbital location.

EchoStar respectfully requests action on the application by no later than April 5, 2006. The EchoStar 10 satellite is on its way to the 110.2° W.L. slot, and EchoStar plans to start transitioning traffic from EchoStar 8 a few days after its arrival. Time is of the essence for the reasons set forth by EchoStar in its application for EchoStar 10.¹

I. BACKGROUND

Pursuant to an STA granted on February 3, 2006,² EchoStar launched EchoStar 10 to the 138.5° W.L. orbital location for in-orbit testing. On March 21, 2006, EchoStar began moving the EchoStar 10 satellite from its testing location to 110.2° W.L. -- its intended orbital location -- in accordance with an STA granted on March 9, 2006. The satellite is currently en route and due to arrive at 110.2° W.L. on or about April 7, 2006. On March 27, 2006, the International Bureau granted EchoStar authority to operate at 110.0° W.L. on uplink channels 2-7, 9-27, 29 and 31 (in the 17.3-17.8 GHz band), and DBS downlink channels 4, 12, 18, 20, 23, 25 and 26 (in the 12.2-12.7 GHz band). The Bureau also deferred EchoStar's application to operate on DBS downlink channels 27, 29 and 31, pending EchoStar and DIRECTV reaching a coordination agreement regarding the use of those channels. EchoStar ultimately intends to operate the satellite at the 110.2° W.L. orbital location and has filed an application for a minor modification to permit such operation.

By this application, EchoStar is seeking temporary authority to begin operating on uplink channels 2-7, 9-27, 29 and 31 (in the 17.3-17.8 GHz band) and DBS downlink channels 4, 12, 18, 20, 23, 25 and 26 (in the 12.2-12.7 GHz band) at the 110.2° W.L., pending the grant of its minor modification application. EchoStar intends to first perform some additional in-orbit

¹ See Application at 5, in *EchoStar Satellite Operating Corp.*, File No. SAT-LOA-20051221-00267 (filed Dec. 21, 2005).

² See Stamp Grant, File No. SAT-STA-20060104-00004 (granted Feb. 3, 2006).

testing starting on or about April 7, 2006, before commencing traffic transfer operations on or about April 10, 2006. As explained below, the grant of the requested STA will not cause any harmful interference, will serve the public interest, and is consistent with Commission precedent.

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, the Commission has already authorized EchoStar to operate EchoStar 10 on the twenty-seven uplink and seven downlink channels in question at the 110.0° W.L. orbital location. Operation of the satellite at the 110.2° W.L. orbital location would not change any of the operational parameters already approved by the Commission and would not increase the potential for interference.³ If anything, it would decrease the potential for interference with DIRECTV 5 at 109.8° W.L. because EchoStar 10 would be operating further away from DIRECTV's satellite.

The grant of the requested STA would serve the public interest by enabling EchoStar to expeditiously begin using EchoStar 10 to provide service to the public from its intended orbital location. EchoStar 10 is a state-of-the-art, spot beam DBS satellite. The improved spectrum efficiency of the satellite will enable EchoStar to provide its subscribers with additional and improved programming and services, including more local-into-local services, High Definition

³ See Attachment 1, Declaration of Richard Barnett, *in EchoStar Satellite Operating Corp.*, File No. SAT-MOD-20060329-00031 (filed Mar. 29, 2006).

“HD”) programming and international services. These services will complement the existing DBS services already being offered over EchoStar’s current fleet of satellites and lead to more meaningful competition in the MVPD market. Together with other measures, the operation of EchoStar 10 at 110° W.L. is also 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.⁴

In addition, grant of the requested STA would be consistent with Commission precedent. The Commission has previously determined that it is in the public interest to permit EchoStar to operate its assigned channels anywhere within the 109.8° to 110.2° W.L. orbital cluster, except for downlink channels 27, 29 and 31 which should be operated at 110.2° W.L.⁵ The Commission affirmed this flexibility (and limitation) in 2003 when it granted EchoStar authority to operate its EchoStar 6 satellite at the 110° W.L. nominal orbital location.⁶ In the instant case, EchoStar is seeking temporary authority to operate at 110.2° W.L. on twenty-seven of its assigned uplink and seven of its assigned downlink channels, pending grant of permanent authority to operate at that orbital location.

⁴ *Codified at 47 U.S.C. § 338(g).*

⁵ *See MCI Telecommunications Corporation*, 14 FCC Rcd 9966, at ¶ 17 (1999) (“MCI”). MCI subsequently assigned the two satellite licenses addressed in this order to EchoStar. *MCI Telecommunications Corporation, For Consent to Assignment of Authorization to Construct, Launch, and Operate a Direct Broadcast Satellite System Using 28 Frequency Channels at the 110° W.L. Orbital Location*, Order and Authorization, 16 FCC Rcd 21608 (1999).

⁶ *See EchoStar Satellite Corporation*, 18 FCC Rcd 15211, at ¶ 10 (2003) (“We note that EchoStar’s license at 110° W.L. gives it the flexibility to operate its assigned channels, except 27, 29 and 31, at any location within the 109.8° W.L. and 110.2° W.L. cluster. EchoStar is authorized to operate channels 27, 29 and 31 only at the 110.2° W.L. orbital location. Consequently, the operations of EchoStar 6 at the 110° W.L. orbital location are subject to this limitation.”).

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.

IV. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests expedited grant of special temporary authority to operate EchoStar 10 at 110.2° W.L. for a period of 60 days, on the same terms as its present authorization to operate that satellite at 110.0° W.L., and pending the grant of its minor modification application for permanent authority to operate at 110.2° W.L.

Respectfully submitted,

EchoStar Satellite Operating Corporation

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/s/

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March 30, 2006