

File # SAT-STA-20080512-00103



Call Sign S2232 Grant Date 7/2/2008
(or other identifier)

Term Dates
From 7/2/2008 To: +60 days

Approved by OMB
3060-0678

Approved: Carolee E. Thomas
(Subject to attached conditions)

Date & Time Filed: May 12 2008 6:46:29:986PM
File Number: SAT-STA-20080512-00103
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 6 to 72.7 W.L.

I. Applicant

Name:	EchoStar Corporation	Phone Number:	303-723-1000
DBA Name:		Fax Number:	
Street:	90 Inverness Circle E.	E-Mail:	
City:	Englewood	State:	CO
Country:	USA	Zipcode:	80112
Attention:	Linda Kinney - (202)293-0981		



File # SAT-STA-20080512-00103

Call Sign S2232 Grant Date 7/2/2008
(or other identifier)

Term Dates
From 7/2/2008 To: +60 days

Approved: Cassandra C Thomas

Conditions of Authorization

File No SAT-STA-20080512-00103

July 2, 2008

EchoStar Corporation's (EchoStar) request for special temporary authority, IBFS File No. SAT-STA-20080512-00103, is granted. Accordingly, EchoStar is authorized to conduct telemetry, tracking, and control communications related to the relocation of the EchoStar 6 satellite from the 110.4° W.L. orbital location to the 72.7° W.L. orbital location, in accordance with the terms, conditions, and technical specifications set forth in the Commission's rules and this document.

- 1) This authorization is for 60 days commencing on the date of grant.
- 2) During the drift of the EchoStar 6 satellite to the 72.7° W.L. orbital location, EchoStar shall not operate the main communications payload of the satellite.
- 3) EchoStar shall coordinate all drift orbit telemetry, tracking, and control operations with other potentially affected in-orbit operators.
- 4) During the relocation of the EchoStar 6 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 by any other lawfully operating satellites or radio communications systems.
- 5) In the event that any harmful interference is caused as a result of operations during the relocation of the EchoStar 6 satellite, EchoStar shall cease operations immediately upon notification of such an event, and shall inform the Commission immediately, in writing, of the event.
- 6) Effective upon the date that the EchoStar 6 satellite reaches the 72.7° W.L. orbital location, the U.S. license for that satellite, Call Sign: S2232, is terminated. EchoStar shall notify the Commission, by letter to the Chief, Satellite Division, International Bureau, within five business days following the date on which the EchoStar 6 satellite reaches the 72.7° W.L. orbital location.
- 7) The Commission has exchanged letters with the Canadian Department of Industry to ensure a mutual understanding regarding the operations of the EchoStar 6 satellite. The understandings and factual basis for these understandings are attached in Annex A and are material considerations for the grant of this special temporary authority.

Annex A

File No SAT-STA-20080512-00103

Call Sign S2232

July 2, 2008



International Bureau

Federal Communications Commission
Washington, DC 20554

June 27, 2008

Ms. Chantal Beaumier
Director, Space and International Regulatory Activities
Radiocommunications and Broadcasting Regulatory Branch
Industry Canada
15th Floor, 300 Slater Street
Ottawa, Ontario, Canada
K1A 0C8

Re: Operations of the EchoStar 6 Space Station

Dear Ms. Beaumier:

This letter is to confirm the informal understandings of the Canadian Department of Industry (Industry Canada) and the Federal Communications Commission (FCC) concerning certain technical issues involved in the operation of a Broadcasting Satellite Service (BSS) satellite known as EchoStar 6 by EchoStar Corporation (EchoStar) and Telesat Canada (Telesat), pursuant to an agreement among Telesat, EchoStar and its affiliates, and Bell Express Vu L.P. (Express Vu). The following explanation is derived from the agreement.

The Transaction Between EchoStar and Telesat

EchoStar currently maintains the EchoStar 6 satellite at the 110.4° W.L. orbital location as an in-orbit spare satellite. Under the agreement among Telesat, EchoStar and Express Vu, EchoStar has a right to place an interim operating BSS satellite of its choosing in service at the 72.7° W.L. orbital location, subject to necessary governmental approvals. Under the agreement, EchoStar may use 11 odd-numbered BSS channels with coverage of the United States until December 31, 2009. After that date, EchoStar may use 16 even-numbered BSS channels at the 72.7° W.L. orbital location, instead of the odd-numbered channels, until the Nimiq 5 satellite is launched and begins commercial operation at that location. The agreement contemplates that once the EchoStar 6 satellite is relocated to the 72.7° W.L. orbital location, it will be operated under Telesat's control, pursuant to authorization from Industry Canada.

On June 23, 2008, Industry Canada authorized Telesat to operate the EchoStar 6 satellite at the 72.7° W.L. orbital location. EchoStar has filed with the FCC a request for special temporary authority to relocate the EchoStar 6 satellite from its currently authorized location to the 72.7° W.L. orbital location, as well as a request to deploy earth stations in the United States to receive signals from EchoStar 6 once it is licensed by Industry Canada. EchoStar also has requested to modify authorizations for earth stations

in the United States that will provide feeder links and telemetry, tracking, and control to the satellite.

Informal Understandings Between Industry Canada and the FCC on certain technical issues concerning operation of EchoStar 6

It is my understanding that our two agencies have concurred on the following technical issues concerning the operation of EchoStar 6:

1. At the 72.7° W.L. orbital location, the EchoStar 6 spacecraft will operate subject to Canadian authority. The Canadian administration will have responsibility for compliance with the ITU Radio Regulations (including the requirement for licensing as specified in Article 18.1 of the Radio Regulations, and any applicable agreement-seeking procedures) in connection with operation of the EchoStar 6 satellite at the 72.7° W.L. orbital location.
2. Operation of the EchoStar 6 satellite at any location other than at the 72.7° W.L. orbital location will be subject to licensing by the FCC, including any operations as a result of equipment failure in the satellite that results in the inability to maintain the satellite within ± 0.1 degrees of its assigned position at the 72.7° W.L. orbital location.
3. Industry Canada, through the Director, Space and International Regulatory Activities, once the Canadian licensee has been informed, will provide the FCC with four (4) days' advance written notice (e-mail with confirmed receipt from the FCC's Chief, International Bureau, Satellite Division, will be considered sufficient) of any planned termination or expiration of the Canadian License for the EchoStar 6 satellite.
4. Industry Canada will condition the EchoStar 6 license to require Telesat to maintain, barring catastrophic failure of satellite components, the capability to de-orbit the EchoStar 6 spacecraft to an orbit consistent with ITU Recommendation S.1003-1, Environmental Protection of the Geostationary-Satellite Orbit.

The informal understandings set forth in this letter concerning operation of the EchoStar 6 satellite do not constitute a concurrence by the FCC or the United States Administration with any Canadian filings with the ITU Radiocommunication Bureau under Appendices 30 or 30A of the ITU Radio Regulations. It is my understanding that the FCC and Industry Canada will, separately, and as part of the agreement-seeking process applicable under the ITU Radio Regulations, work in good faith to complete that process, insofar as necessary, in connection with the operation of the EchoStar 6 satellite at the 72.7° W.L. orbital location.

The FCC has not issued any of the authorizations that would be necessary to provide direct-to-home services to customers in the United States using the EchoStar 6 satellite at the 72.7° W.L. orbital location. The FCC has received both an application for special temporary authority to relocate the EchoStar 6 satellite to the 72.7° W.L. orbital location, and an application for a blanket authorization of earth stations to receive direct-

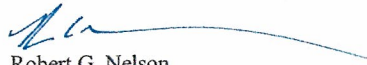
to-home transmissions in the United States from the EchoStar 6 satellite at the 72.7° W.L. orbital location. These applications will require separate action by the FCC. This exchange of letters does not constitute approval of either of these applications.

In the event of the exercise by EchoStar of its contractual rights to move the EchoStar 6 satellite, and in the event that there are any provisions in Telesat's license from Industry Canada, or any provisions in the Canadian laws and regulations governing the telecommunications operations of Telesat that would preclude or otherwise limit the exercise of EchoStar's contractual rights within the time frames specified in the EchoStar/Telesat/Express Vu agreement, the FCC would appreciate the opportunity to consult with Industry Canada, prior to any exercise of such licensing authority, or application of such law or regulation by Industry Canada. I would appreciate acknowledgement of these views and expression of any view which Industry Canada may have concerning the matter discussed in this paragraph. Let me also express the FCC's willingness to discuss this matter further, in the event, at a later date, it becomes necessary to do so.

Lastly, all notices, inquiries, and correspondence from Industry Canada concerning these matters should be directed to the Chief, Satellite Division, International Bureau (phone number 202.418.0719) (e-mail: Robert.Nelson@fcc.gov, with a copy to Karl.Kensinger@fcc.gov and Mark.Young@fcc.gov), on the part of the FCC. The FCC will forward all notices, inquiries, and correspondence concerning these matters to the Director, Space and International Regulatory Activities (phone number 613.998.3819) (e-mail: beaumier.chantal@ic.gc.ca) on the part of Industry Canada. Please let us know if this address subsequently changes.

If the foregoing corresponds to your understanding of the informal arrangements between our two agencies concerning the various technical issues involved in the relocation of the EchoStar 6 satellite to the 72.7° W.L. orbital location and operation at that location, please confirm by return letter. Thank you.

Sincerely,



Robert G. Nelson
Chief, Satellite Division

cc: Robert Power
Director, Regulatory and Government Initiatives
Telesat Canada

Linda Kinney
Vice President, Law and Regulation
EchoStar Corporation



Industry Canada Industrie Canada

300 Slater Street
Ottawa, ON K1A 0C8

Our File: 05943-1 (156325 RH)

JUN 30 2008

Mr. Robert Nelson
Chief, Satellite Division
International Bureau
Federal Communications Commission
Washington, D.C. 20554

Dear Mr. Nelson:

Thank you for your letter of June 27, 2008 setting out our informal common understandings concerning certain technical issues involved in the operation of a broadcasting-satellite service satellite, known by Telesat Canada (Telesat) and EchoStar Corporation (EchoStar) as EchoStar 6, pursuant to an agreement among Telesat, EchoStar and its affiliates, and Bell ExpressVu L.P.

I am pleased to provide my confirmation of our informal understandings and acknowledgement of the other views expressed in your letter.

I also note from your letter that in the event there are any provisions in Telesat's licence from Industry Canada, or any provisions in the Canadian laws and regulations governing the telecommunications operations of Telesat Canada that would preclude or otherwise limit the exercise of EchoStar's contractual rights within the time frames specified in the noted agreement, the FCC would appreciate the opportunity to consult with Industry Canada prior to any exercise of such licensing authority or applications of such law or regulations by Industry Canada. To the extent possible under the circumstances and the law, Industry Canada will inform the FCC of the exercise of licensing authority, or the application of law or regulation by Industry Canada, that would preclude or otherwise limit the exercise of EchoStar's contractual rights within the time frames specified in the agreement.

...2

Canada

- 2 -

Once again, I want to express my appreciation for the support your administration is giving to this commercial arrangement to facilitate the delivery of important and valuable satellite services.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Beaumier".

Chantal Beaumier
Director, Space and International
Regulatory Activities

c.c. Robert Power, Telesat Canada

2. Contact

Name:	Pantelis Micahlopoulos	Phone Number:	202-429-6494
Company:	Steptoe & Johnson LLP	Fax Number:	
Street:	1330 Connecticut Ave., NW	E-Mail:	
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036 -
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 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

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 Corporation requests special temporary authority to move the EchoStar 6 satellite from 110.4 W.L. to 72.7 W.L. where it will operate as a Canadian-licensed satellite, subject to Commission approval. Please 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 Linda Kinney	11. Title of Person Signing Vice President, Law and Regulation
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12. Please supply any need attachments.

Attachment 1: Narrative	Attachment 2:	Attachment 3:
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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 public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to jboley@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

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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 Corporation)

Application for Special Temporary Authority)
to Move EchoStar 6 to 72.7° W.L. and to)
Conduct Telemetry, Tracking and Command)
Operations During the Relocation)

File No. SAT-STA-_____)
)
)

EXPEDITED ACTION REQUESTED

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

By this Application,¹ EchoStar Corporation (“EchoStar”)² hereby requests a 60-day special temporary authority (“STA”), commencing on or about July 1, 2008, to (a) move the EchoStar 6 satellite from its current orbital position at 110.4° W.L. to the 72.7° W.L. orbital location, where it will be operated as a Canadian-licensed satellite; and (b) perform telemetry, tracking and command (“TT&C”) operations during the relocation. To the extent necessary,

¹ Concurrent with this application, EchoStar is filing five earth station STA applications for the relocation of the satellite and a blanket earth station application for authority to provide DBS service to the United States from EchoStar 6 as a Canadian-licensed satellite at 72.7° W.L. EchoStar will also be filing applications to modify one earth station authorization (E080058) to perform feeder link operations with the EchoStar 6 satellite at 72.7° W.L., and to modify six other earth station authorizations (E980005, E980047, E980127, E010266, E070014 and E070015) to perform on-station TT&C operations with that satellite.

² As the Commission is aware, EchoStar Corporation was recently spun off from DISH Network Corporation (“DISH”) (formerly EchoStar Communications Corporation), on January 1, 2008. See Public Notice, DA 07-4655 (rel. Nov. 16, 2007).

EchoStar also requests a waiver of section 25.202(g) of the Commission's rules to use one 14 GHz frequency for TT&C operations during the relocation of the satellite. The relocation of the satellite will be at EchoStar's own risk, pending the grant of blanket earth station authorization to serve the United States and the re-licensing of the satellite as a Canadian-licensed satellite.

The 72.7° W.L. orbital location has been allotted to Canada under the International Telecommunication Union's Region 2 Plan for the Broadcasting-Satellite Service ("BSS"). Canada has authorized Telesat Canada to exploit the entire 12.2-12.7 GHz DBS band at the 72.7° W.L. location. Pursuant to a Memorandum of Agreement among Telesat Canada, EchoStar (and certain affiliates), and Bell ExpressVu L.P., EchoStar 6 will be operated at 72.7° W.L. on an interim basis as a Canadian-licensed satellite under the control of Telesat Canada, pending the construction and launch of Telesat Canada's Nimiq 5 satellite.³ As noted above, the relocation of EchoStar 6 to 72.7° W.L., pending the exchange of letters between the United States and Canada that would formalize the re-licensing of the satellite as a Canadian-licensed satellite, will be at EchoStar's sole risk.

This is not the first interim satellite operation within the 72.7° W.L. orbital cluster to be reviewed by the Commission. In 2004, 2005 and 2007, the Commission authorized service to the U.S. from three successive DIRECTV satellites operating at 72.5° W.L. – DIRECTV 5, DIRECTV 1 and DIRECTV 1R.⁴ While DIRECTV has been authorized by the Bureau to

³ See *Memorandum of Agreement, filed in File No. SES-LFS-_____* ("Blanket Earth Station Application"). This agreement is being submitted with a request for confidentiality. A redacted version of the agreement is also being submitted for the public record

⁴ See File Nos. SAT-STA-20061213-00149 (granted Mar. 8, 2007), SES-MFS-20061213-02157 (granted Mar. 9, 2007) (authorizing relocation of DIRECTV 1R to 72.5° W.L. and modifying blanket earth station license E040024 to add DIRECTV 1R as a point of communication at that location). See also *DIRECTV Enterprises, LLC*, DA 05-1890, Order and

provide service to the U.S. using the entire 12.2-12.7 GHz band, Telesat Canada's agreement with DIRECTV authorizes DIRECTV to operate only on the 16 even-numbered DBS channels at that location.⁵ EchoStar 6 will operate initially on 11 odd-numbered DBS channels.⁶ When DIRECTV's arrangement to operate DIRECTV 1R at 72.5° W.L. ends in December 2009, EchoStar plans to operate EchoStar 6 at 72.7° W.L. on the even-numbered channels. Consistent with DIRECTV's prior request for use of that slot,⁷ EchoStar is separately requesting authority to operate on up to 32 channels at 72.7° W.L. subject to the extent of its contractual authority.⁸

For the reasons set out below and in the *Blanket Earth Station Application*, the grant of this application would strongly serve the public interest. The public interest benefits from the redeployment of the EchoStar 6 satellite to 72.7° W.L. are at least as great as those from DIRECTV's authorized service.

Authorization, 20 FCC Rcd 11772 (2005) (authorizing relocation of DIRECTV 1 to 72.5° W.L. and modifying blanket earth station license E040024 to substitute DIRECTV 1 for DIRECTV 5 at that location); *DIRECTV Enterprises, LLC*, DA 04-2526, Order and Authorization, 19 FCC Rcd 15529 (2004) (authorizing relocation of DIRECTV 5 to 72.5° W.L. and granting blanket earth station license E040024 to provide service to the U.S. from that satellite at 72.5° W.L.).

⁵ Compare Radio Authorization at (B)(1) (authorizing operations using the 12.2-12.7 GHz frequencies), File No. SES-MFS-20061213-02157 (granted Mar. 9, 2007) with Exhibit B at 4 ("While DIRECTV 1R is capable of operating across all 32 transponders, at the 72.5° W.L. orbital location DIRECTV 1R will operate only on the 16 even numbered downlink transponders."), filed in File No. SES-MFS-20061213-02157 (filed Dec. 13, 2006).

⁶ For more details on the operation of EchoStar 6 at 72.7° W.L., see *Blanket Earth Station Application*, File No. SES-LFS-_____ (filed May 12, 2008).

⁷ See *supra* note 5.

⁸ See *Blanket Earth Station Application*, at 3.

I. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

The grant of this application is in the public interest because it will provide EchoStar's customer at that location, DISH Network, with much needed spectrum to offer more local-into-local, high definition, and other programming. EchoStar and DISH Network expect increased demand for bandwidth for the transmission of high-definition programming, including the retransmission of local-into-local stations, especially as the nation transitions to digital broadcasting. The digital television transition and the increased demand for high-definition programming have exacerbated dramatically the bandwidth shortage with which DBS providers have perennially struggled. Moreover, by the Order released on March 27, 2008, the Commission has imposed HD carriage obligations on satellite carriers.⁹

While it will not come close to covering the bandwidth shortage caused by this confluence of factors, the requested authority to provide service from 72.7° W.L. will help it meet this demand and result in more consumers receiving their local stations in high-definition format as well as high-definition and other cable programming, allowing EchoStar and DISH Network to better compete with bandwidth-rich terrestrial MVPDs.

Lastly, the grant of this application would also enable EchoStar and DISH Network to bring the EchoStar 6 satellite, which has been operating as an in-orbit spare pursuant to STA,¹⁰ back into more productive use. All of these benefits will be realized without disruption to any

⁹ *Carriage of Digital Television Broadcast Signals: Amendment of Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues*, CS Docket No. 00-96, Second Report and Order, Memorandum Opinion and Order, and Second Further Notice of Proposed Rulemaking, FCC 08-86 (rel. Mar. 27, 2008).

¹⁰ See File No. SAT-STA-20061020-00124 (granted Apr. 10, 2007).

existing EchoStar or DISH Network subscribers as the EchoStar 6 satellite is not currently being used to provide programming.

II. GRANT OF THIS APPLICATION WILL NOT CAUSE HARMFUL INTERFERENCE TO OTHER SATELLITES AND WILL BE AT ECHOSTAR'S OWN RISK

During the transition from 110.4° W.L. to 72.7° W.L., regular DBS transmissions on the EchoStar 6 satellite will remain switched off, with only TT&C operations being performed in the DBS bands. EchoStar also will operate its TT&C payload according to the following conditions:

1. EchoStar will coordinate its TT&C operations with all potentially affected operating satellite networks.
2. No harmful interference will be caused to any lawfully operating satellite network or radio communication system and EchoStar operations will cease immediately upon notification of harmful interference. Further, EchoStar shall notify the Commission immediately, in writing, of such an event.
3. EchoStar will accept interference from any lawfully operating satellite network or radiocommunication system.

EchoStar requests that the Commission authorize the relocation of EchoStar 6, at EchoStar's own risk, pending the grant of blanket earth station authority and the exchange of letters between the United States and Canada for the re-licensing of the satellite under Canadian authority. In the event that such re-licensing fails to occur, EchoStar will request Commission authorization to move the satellite to another orbital location.

III. USE OF THE 14 GHz BAND

EchoStar respectfully requests temporary authority for the use of one narrow 14 GHz beacon (14002.5 MHz, specifically)¹¹ for TT&C operations during the relocation of the EchoStar

¹¹ Due to an apparent error in the original MCI application for the EchoStar 6 satellite, these frequencies have been misidentified as 14000.4 MHz and 14004.6 MHz. *See MCI Telecommunications Corp.*, DA 99-1125, Memorandum Opinion and Order, 14 FCC Rcd 9966,

6 satellite to 72.7° W.L. To the extent necessary, EchoStar is also requesting a waiver of the Commission's rules requiring satellites to conduct TT&C within their allocated bands.¹² The Commission has previously granted a similar waiver to allow the use of the 14 GHz band for transfer orbit TT&C operations in connection with this satellite,¹³ and EchoStar is requesting only that this waiver be expanded to cover the relocation of the satellite to 72.7° W.L.

There is good cause for the expanded waiver: it will solve a problem without creating one. The proposed use of the 14 GHz band is necessary to avoid interference to DIRECTV 1R at 72.5° W.L. as the EchoStar 6 satellite approaches its destination at 72.7° W.L. Both EchoStar 6 and DIRECTV 1R were designed (*i.e.* "hard-wired") to receive telecommand communications on exactly the same 17 GHz frequency. Moreover, neither satellite is equipped to receive telecommand communications on any other frequency in the 17 GHz band. It is this intractable coincidence that necessitates the use of the 14,002.5 MHz telecommand beacon on the EchoStar 6 satellite during relocation as it approaches 72.7° W.L.

At the same time, the proposed use of the 14 GHz for TT&C operations during relocation will not cause any harmful interference to any adjacent satellite networks. EchoStar will use the 14 GHz frequency on the same coordinated, non-interference and non-protected basis as it will use the satellite's regular TT&C frequencies during the relocation.

at ¶ 19 (1999) ("*MCF*") (later assigned to EchoStar, *see MCI Telecommunications Corp. and EchoStar 110 Corp.*, FCC 99-109, Order and Authorization, 16 FCC Rcd 21608 (1999)).

¹² Ordinarily, U.S. domestic satellites must conduct TT&C functions at the edges of the allocated service bands. *See* 47 C.F.R. § 25.202(g). The Commission may waive this requirement for good cause shown. *See* 47 C.F.R. § 1.3.

¹³ *See MCI, supra* note 11, at ¶ 11.

IV. WAIVER PURSUANT TO SECTION 304 OF THE ACT

In accordance with Section 304 of the Communications Act of 1934, as amended, 47 U.S.C. § 304, EchoStar 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.

V. CONCLUSION

For all of these reasons, EchoStar respectfully requests the expeditious grant of the requested STA. As noted above, the relocation of the EchoStar 6 satellite, pending the grant of blanket earth station authority and the re-licensing of the satellite, will be at EchoStar's own risk.

Respectfully submitted,

EchoStar Corporation

Pantelis Michalopoulos
Chung Hsiang Mah
Steptoe & Johnson LLP
1330 Connecticut Avenue N.W.
Washington, D.C. 20036
(202) 429-3000

Counsel for EchoStar Corporation

May 12, 2008

_____/s/
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Vice President, Law and Regulation
Brad Gillen
Director and Senior Counsel
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