



File # SAT-STA-20080516-00105
Call Sign S2439 Grant Date 07/24/2008
(or other identifier)

Term Dates
From: 08/09/2008 To: +30 days

Approved by OMB
3060-0678

Approved: [Signature] Robert G. Nelson
SUBJECT TO CONDITIONS DESCRIBED IN ECHOSTAR'S APPLICATION
Chief Satellite Division

Date & Time Filed: May 16 2008 3:23:27:096PM
File Number: SAT-STA-20080516-00105
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:
STA Request To Move and Temporarily Operate the EchoStar 8 Satellite at 109.8 W.L.

1. Applicant

Name:	EchoStar Satellite Operating L.L.C.	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:	Linda Kinney - (202)293-0981		

S2439 SAT-STA-20080516-00105 IB2008001200
EchoStar Satellite Operating L.L.C.
Echostar 8

2. Contact	
Name: Pantelis Micalopoulos	Phone Number: 202-429-3000
Company: Steptoe & Johnson LLP	Fax Number: 202-429-3902
Street: 1330 Connecticut Ave., 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 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 109.8 W.L.	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.)		
<div style="border: 1px solid black; padding: 10px; min-height: 80px;"> See attached narrative. </div>		
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.		
		<input checked="" type="radio"/> Yes <input type="radio"/> No
10. Name of Person Signing Linda Kinney	11. Title of Person Signing Vice President, Law and Regulation	
12. Please supply any need attachments.		
Attachment 1: 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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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
ECHOSTAR SATELLITE OPERATING L.L.C.)	File No. SAT-STA-2008 _____ - _____
)	Call Sign S2439
For Special Temporary Authority to Move)	
EchoStar 8 to 109.8° W.L. and to Operate)	
Temporarily for Traffic Transfer Purposes)	
)	

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

EchoStar Satellite Operating L.L.C.¹ (“DISH Network”) respectfully requests Special Temporary Authority (“STA”) to move the EchoStar 8 satellite from its current orbital location of 110.0° W.L. to 109.8° W.L. and to temporarily operate at this location while traffic is transitioned to the new EchoStar 11 satellite, which DISH Network has been licensed to operate at 110.0° W.L.² The instant request is for a 30-day STA starting on or about August 9, 2008, following the successful launch of EchoStar 11 on July 15, 2008, the testing of that satellite at the 138.5° W.L. orbital location, and its move to 110.0° W.L.³

¹ Effective December 31, 2007, EchoStar Satellite Operating Corporation, the licensee of the EchoStar 8 satellite, was converted into a Colorado limited liability and renamed EchoStar Satellite Operating L.L.C. Under Colorado law, “[t]he resulting entity is the same entity as the converting entity.” *See* Colo. Rev. Stat. 7-90-202(4).

² *See* Stamp Grant, File No. SAT-LOA-20070622-00085 (granted Jan. 11, 2008).

³ Today, DISH Network is filing separately requests for STA to test EchoStar 11 at 138.5° W.L. and to move the satellite to 110° W.L. thereafter. *See* File Nos. SAT-STA-20080516-_____, SES-STA-20080516-_____. SES-STA-20080516-_____.

Allowing EchoStar 8 to move to, and temporarily operate at, 109.8° W.L. will serve the public interest as it will enable DISH Network to safely maintain its satellites and minimize disruption to existing customers receiving service from the 110° W.L. orbital location during the transition of traffic from EchoStar 8 to EchoStar 11. The proposed temporary operations at 109.8° W.L. will not cause harmful interference to any authorized spectrum user. DISH Network will also coordinate all drift orbit operations with other potentially affected in-orbit operators including DIRECTV.

I. DISCUSSION

DISH Network is currently operating two satellites at 110° W.L. EchoStar 8 is currently providing CONUS service on 19 of DISH Network's 29 authorized frequencies at the 110.0° W.L. orbital location.⁴ EchoStar 10 is a spot-beam satellite operating on ten of DISH Network's authorized channels.⁵ In addition, EchoStar 6 is currently stationed at 110.4° W.L. as an in-orbit spare.⁶

On January 11, 2008, DISH Network was licensed to launch EchoStar 11 and to operate it at 110.0° W.L.⁷ That satellite is scheduled to be launched on July 15, 2008. Subject to

⁴ *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).

⁵ Stamp Grant, File Nos. SAT-LOA-20051221-00267, SAT-AMD-20060120-00007 (granted Mar. 27, 2006).

⁶ DISH Network's sister company, EchoStar Corporation, has requested authority to relocate EchoStar 6 to 72.7° W.L. where it is to be operated as a Canadian-licensed satellite. *See* File Nos. SES-LFS-20080512-00595 (and related applications).

⁷ *See* Stamp Grant, File No. SAT-LOA-20070622-00085, Call Sign S2738 (granted Jan. 11, 2008) ("*EchoStar 11 Grant*").

Commission approval, DISH Network plans to test the satellite at 138.5° W.L. and to move it to 110.0° W.L. once testing is complete. When EchoStar 11 reaches 110.0° W.L., DISH Network plans to transition CONUS operations from EchoStar 8 to EchoStar 11. To make room for EchoStar 11 at that location, DISH Network proposes to operate EchoStar 8 at 109.8° W.L. This will allow DISH Network to safely maintain three satellites at the 110° W.L. location during traffic transfer. DISH Network expects that the move and traffic transfer operations will take no more than 30 days. Upon completion of traffic transfer, EchoStar 8 will cease operation of its communications payload in the 110° W.L. cluster.⁸

For the reasons set forth below, the temporary operation of EchoStar 8 at 109.8° W.L. will not cause harmful interference to any authorized user of the spectrum, and would be in the public interest. Accordingly, the Commission should grant the requested temporary authority to operate EchoStar 8 at 109.8° W.L. while DBS traffic is transferred to EchoStar 11.

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.⁹ The requested operations meet both of these tests.

Temporary operation of EchoStar 8 at 109.8° W.L will not cause harmful interference to any other U.S.-licensed satellite operator. Currently, there are four operational U.S. licensed

⁸ At the conclusion of the traffic transfer, DISH Network's goal is to move the EchoStar 8 satellite to a different orbital location to maximize the DBS service available to U.S. consumers. A separate request to implement that plan will be filed with the Commission shortly.

⁹ See, e.g., *In the Matter of Newcomb Communications, Inc.*, Order and Authorization, 8 FCC Rcd 3631, 3633 (1993); *In the Matter of Columbia Communications Corp.*, Order, 11 FCC Rcd 8639, 8640 (1996); *In the Matter of American Telephone & Telegraph Co.*, Order, 8 FCC Rcd 8742 (1993).

satellites within $\pm 0.5^\circ$ of 110° W.L., three of which are operated by DISH Network.

Specifically, EchoStar 6 is located at 110.4° W.L.; EchoStar 8 is located at 110.0° W.L.; and EchoStar 10 is located at 110.2° W.L. DIRECTV also operates its DIRECTV 5 satellite at 110.1° W.L. DISH Network already coordinates with DIRECTV for the two operators' current fleets of satellites and does not anticipate any problems coordinating the temporary operations of EchoStar 8 at 109.8° W.L.

The requested temporary operation of EchoStar 8 at 109.8° W.L. for purposes of traffic transfer is also in the public interest because it will allow DISH Network to minimize disruptions of service to its existing customers that receive service from 110° W.L. as EchoStar 11 is brought into use at that location. The Bureau has granted similar requests in the past,¹⁰ and should do so again here.

III. SECTION 304 WAIVER

In accordance with Section 304 of the Communications Act of 1934, 47 U.S.C. § 304, DISH Network 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

DISH Network respectfully requests Special Temporary Authority for a period of 30 days to move and temporarily operate EchoStar 8 at 109.8° W.L. for traffic transfer purposes, subject to the following conditions:

- a) DISH Network shall coordinate all drift orbit operations with other potentially affected in-orbit operators.

¹⁰ See Stamp Grant, File No. SAT-STA-20060303-00022 (granted Mar. 28, 2006).

- b) During relocation of the EchoStar 8 satellite and traffic transfer, operations shall be on a non-harmful interference basis, meaning that DISH Network shall not cause interference to, and shall not claim protection from interference caused to it by any other lawfully operating satellites.
- c) In the event that any harmful interference is caused as a result of operations during the relocation of the EchoStar 8 satellite or traffic transfer, DISH Network shall cease operations immediately upon notification of such interference and shall inform the Commission immediately, in writing, of such event.

Respectfully submitted,

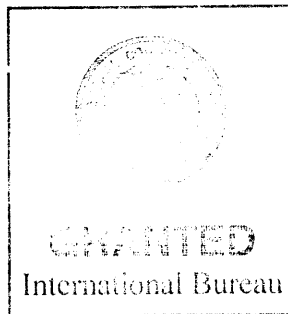
EchoStar Satellite Operating LLC

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May 16, 2008



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 From: 08/09/2008 To: +30 days
 Approved: [Signature]

SUBJECT TO CONDITIONS DESCRIBED IN
 ECHOSTAR'S APPLICATION,

Robert H. Miller
 Chief
 Satellite
 Division