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EX PARTE PRESENTATION

ORIGINAL

Federal Communications Commission
Office of the Secretary

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *EchoStar Corporation Application for Special Temporary Authority to Operate EchoStar 8 at 77° W.L. for 180 Days, File No. SAT-STA-20080616-00121*

EchoStar Corporation (“EchoStar”) responds to the comments filed by DIRECTV Enterprises, LLC (“DIRECTV”) in connection to its proposed temporary operation of the EchoStar 8 satellite as a U.S. licensed satellite at the 77° W.L. Mexican BSS orbital location. EchoStar shares DIRECTV’s goal “to resolve the potential interference issues amicably,” and has taken affirmative steps to do so.¹

EchoStar operates the EchoStar 4 satellite at 77° W.L. as a Mexican-licensed satellite, and the EchoStar 6 satellite at 72.7° W.L. as a Canadian-licensed satellite. Both satellites operate in conformity with existing coordination arrangement between those administrations. DIRECTV also operates a Canadian-licensed satellite at 72.5° W.L., and will do so for approximately one more year. DIRECTV notes that it too operates “within the ambit of that coordination agreement.” *Comments* at 3. EchoStar seeks to add the EchoStar 8 satellite to 77° W.L. as a Mexican-licensed satellite, and will operate the satellite consistent with the existing coordination agreement as well.²

Prior to the re-flagging of the EchoStar 8 satellite as a Mexican-licensed satellite, EchoStar has asked to operate the EchoStar 8 satellite temporarily at 77° W.L. as a U.S. licensed satellite. This is the immediate request before the Commission. With respect to this temporary operation, DIRECTV notes that “EchoStar must operate on a strictly non-interference basis” as “a U.S. flagged satellite at a non-U.S. DBS orbital slot.” *Comments* at 4. There is no disagreement on this point. In fact, EchoStar offered to do

¹ *Comments of DIRECTV Enterprises, LLC, File No. SAT-STA-20080616-00121, at 1 (Sept. 8, 2008) (“Comments”).*

² Both operators have pledged to operate in conformity with the existing coordination agreement, and are open to “other strategies for spectrum sharing that would not involve the type of co-coverage, co-frequency scenarios that DIRECTV has shown in the past to be highly problematic.” EchoStar will work with its Canadian and Mexican partners and the relevant administrations to address any interference issues that result from the operation of EchoStar 8 as a Mexican licensed satellite.

so in its STA request. Specifically, as EchoStar committed, "EchoStar will operate the EchoStar 8 satellite at 77° W.L. in accordance with the following conditions:

1. While EchoStar 8 is operating at 77° W.L., operations shall be on a non-harmful interference basis, meaning that EchoStar shall not cause interference to, and shall not claim protection from, interference caused to it by any other lawfully operating satellites operating within the parameters of applicable international coordination agreements.

2. In the event that any harmful interference is caused while the satellite is operating at 77° W.L., EchoStar shall cease operations immediately upon notification of such interference and shall inform the Commission immediately, in writing, of such event." *STA Request* at 7.

Accordingly, EchoStar requests that the Commission grant authority expeditiously for the move of EchoStar 8 to 77° W.L., and the temporary operation of EchoStar 8 at 77° W.L. as a U.S. licensee, subject to the foregoing conditions.

Respectfully submitted,

/s/ Linda Kinney

Linda Kinney

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