

SAT-STA-20080616-00121
EchoStar Corporation
EHOSTAR-8

IB2008001433

Date & Time Filed: Jun 16 2008 5:38:54:053PM
File Number: SAT-STA-20080616-00121
Callsign:

File # SAT-STA-20080616-00121

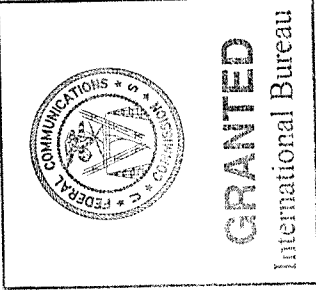
Call Sign S2439 Grant Date 10/31/2008
(or other identifier)

Approved by OMB
3060-0678

Term Dates

From: 10/31/2008 To: +180 days

Approved: Cassandra C Thomas, Subject to the
attached conditions.



FEDERAL COMMUNICATIONS COMMISSION
APPLICATION FOR SPACE STATION SPECIAL TEMPORARY AUTHORITY

FOR OFFICIAL USE ONLY

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Request for Special Temporary Authority to Operate EchoStar 8 at 77 W.L. for 180 days

1. 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		

ATTACHMENT

IBFS File Nos. SAT-STA-20080616-00121

Call Sign: S2439

Grant Date: October 31, 2008

EchoStar Corporation's (EchoStar) request for special temporary authority, File No. SAT-STA-20080616-00121 IS GRANTED. Accordingly, EchoStar is authorized to continue to conduct Tracking, Telemetry, and Command (TT&C) necessary to maintain the EchoStar 8 satellite at the 77° W.L. orbital location, and is authorized to operate the EchoStar 8 satellite at that location for 180 days commencing October 31, 2008, subject to the following conditions:

1. At the 77° W.L. orbital location, Echostar shall operate the EchoStar 8 satellite in accordance with the operator arrangement referenced in the Letter dated October 23, 2008 from William M. Wiltshire, Counsel for DIRECTV Enterprises, LLC to the Secretary of the Federal Communications Commission (FCC).

2. All operations of the EchoStar 8 satellite at the 77° W.L. orbital location shall be on a non-harmful interference basis. EchoStar shall not cause harmful interference to, and shall not claim protection from interference caused to it, by any other lawfully operating satellite or radio communication service.

3. In the event of any harmful interference as a result of EchoStar's operation of the EchoStar 8 satellite at the 77° W.L. orbital location, EchoStar shall cease operations immediately upon notification of such interference and shall inform the FCC, in writing, immediately of such an event.

4. EchoStar shall inform its customers that operations at the 77° W.L. orbital location from the EchoStar 8 satellite are on a non-harmful interference basis, and that EchoStar must cease operations upon notification of such interference.



File # SAT-STA-20080616-00121

Call Sign S2439 Grant Date 10/31/2008
(or other identifier)

Term Dates
From: 10/31/2008 To: +180 days

Approved: Cassandra C Thomas

2. Contact	
Name:	Pantelis Michalopoulos
Company:	Step toe & Johnson LLP
Street:	1330 Connecticut Ave., NW
Phone Number:	202-429-6494
Fax Number:	
E-Mail:	pmichalopoulos@steptoe.com
City:	Washington
State:	DC
Country:	USA
Zipcode:	20036
Attention:	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 type="radio"/> Change Station Location <input type="radio"/> Extend Expiration Date <input checked="" type="radio"/> Other	
6. Temporary Orbit Location	
77 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.)

EchoStar Corporation seeks special temporary authority to operate the EchoStar 8 satellite under U.S. authority at 77 W.L. for 180 days. 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

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).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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.

Remember – You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0678.

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)	File No. SAT-STA-2008_____
To Operate EchoStar 8 at 77° W.L. for)	
180 days)	
)	

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY¹

Pursuant to Section 309 of the Communications Act of 1934, as amended, 47 U.S.C. § 309, and Part 25 of the Commission’s Rules, EchoStar Corporation (“EchoStar”) hereby files this application for special temporary authority (“STA”) to operate EchoStar 8 as a U.S.-licensed satellite serving the U.S. at 77° W.L. for 180 days.² In order to allow for sufficient time to test

¹ Concurrent with this application, EchoStar is separately requesting special temporary authority to move the satellite to 77° W.L. and to operate six transmit/receive earth stations during the move. (Call Signs E080120, E070014, E060003, E080007, E080058 and E050017), EchoStar is also requesting a modification of its authority for five transmit/receive earth stations (Call Signs E070014, E060003, E080007, E080058 and E050017) and amending its application for one transmit/receive earth station (Call Sign E080120) to add EchoStar 8 as a point of communication from 77° W.L.

² As EchoStar has previously advised the Commission, on January 1, 2008, EchoStar Communications Corporation (“ECC”) assigned several satellite space station and earth station assets previously owned by its subsidiaries to EchoStar (the “Spin-Off”). *See* Public Notice, DA 07-4655 (rel. Nov. 16, 2007) (consenting to the transfer of several authorizations as part of the Spin-Off). Commission authority to operate the EchoStar 8 satellite at 110° W.L. was retained by ECC, which subsequently changed its name to DISH Network Corporation (“DISH”). Ownership of the EchoStar 8 satellite was transferred to EchoStar as part of the Spin-Off.

the satellite at the 77° W.L. orbital location before operations are to begin at that location, the authority requested herein is requested by September 21, 2008.

For the reasons set forth herein, grant of this Application will serve the public interest and not cause harmful interference to any authorized user of the spectrum.³ Allowing EchoStar to bring the EchoStar 8 satellite into service at the 77° W.L. orbital location after EchoStar 11 becomes operational at 110° W.L.⁴ will augment the capacity that EchoStar will marshal from that slot and result in a greater variety and quality of programming services available to U.S. consumers, including high definition television services and “local-into-local” broadcast stations. In addition, the redeployment of EchoStar 8 from its location at 110° W.L. will enlarge the scope of U.S. coverage from the 77° W.L. orbital location, enabling nearly full CONUS coverage.⁵

Because the 77° W.L. orbital location is allotted to Mexico by the ITU, EchoStar’s partner, QuetzSat S. de R.L. de C.V. (“QuetzSat”), which has a Mexican concession permitting use of the 77° W.L. slot,⁶ has discussed the proposed operation of EchoStar 8 at 77° W.L., as a

³ See the Technical Annex for a description of the satellite’s technical characteristics, attached hereto as Attachment 1.

⁴ See Stamp Grant, File No. SAT-LOA-20070622-00085, Call Sign S2738 (granted Jan. 11, 2008) (“*EchoStar 11 Grant*”).

⁵ EchoStar will soon file a set of applications requesting authority to move EchoStar 2 to 77° W.L., where it will operate as a Mexican-licensed satellite, and to provide service from the satellite into the U.S. EchoStar 2 will effectively replace EchoStar 4, which is nearing its end of life, providing greater operational flexibility for EchoStar 8 to provide more services and more transponder availability to U.S. consumers than if EchoStar 8 were operated by itself at 77° W.L.

⁶ Secretariat of Communications and Transportation Vice-Ministry of Communications, Concesion Para Ocupar La Posicion Orbital Geoestacionaria 77° Oeste Asignada al Pais y Explotar Sus Respectivas Bandas de Frecuencias 12.2 – 12.7 GHz y 17.3-17.8 GHz, Asi como los Derechos de Emision y Recepcion de Señales, granted February 2, 2005 (“BSS Concession”) (English-language version provided at Attachment 2).

U.S.-licensed satellite, with the Mexican Administration. QuetzSat has confirmed that the Mexican Administration does not object to the interim operation of EchoStar 8 as a U.S. satellite at 77° W.L. to provide service to the U.S., provided that the satellite operates in conformance with the technical characteristics in QuetzSat's BSS Concession.

I. BACKGROUND AND INTRODUCTION

On April 18, 2006, the Commission granted EchoStar's sister company, EchoStar Satellite LLC, authority to provide Direct Broadcast Satellite ("DBS") service to the southern United States from EchoStar 4 as a Mexican-licensed satellite located at 77° W.L.⁷ The operation of EchoStar 4 at 77° W.L. is governed by an agreement between EchoStar and SES Global Latin America, S.A. ("SES"),⁸ and a related agreement between SES and QuetzSat. Consistent with these agreements, the EchoStar 4 satellite is currently operating as a Mexican-licensed satellite under the direct control of QuetzSat pursuant to the February 2, 2005 BSS Concession, which allows QuetzSat to use the 77° W.L. orbital location. In addition, EchoStar

⁷ *EchoStar Satellite LLC*, Order and Authorization, DA 06-868, 21 FCC Rcd 4077 (2006) ("77° W.L. Order").

⁸ See Satellite Relocation and Use Agreement for the 77° W.L. Orbital Location ("77° W.L. Agreement"), as amended, attached hereto as Attachment 3. As part of the Spin-Off, EchoStar has succeeded to the rights and obligations of EchoStar Satellite LLC under the agreement. EchoStar requests that certain provisions of this agreement be treated as confidential. Concurrently, EchoStar is submitting a redacted version of the agreement to be included in the public record.

has received authority to serve the United States from EchoStar 4 as a foreign-licensed satellite.⁹ The EchoStar 4 satellite, however, can only provide service to the southern U.S. from 77° W.L.¹⁰

The parties have now amended the 77° W.L. Agreement to allow EchoStar to move the EchoStar 8 satellite to 77° W.L. and operate it temporarily as a U.S.-licensed satellite.¹¹ On January 11, 2008, the Commission granted EchoStar authority to launch and operate its EchoStar 11 satellite at 110° W.L. where it will assume the traffic currently transmitted over EchoStar 8.¹² EchoStar recently filed an application for STA to move EchoStar 8 to 109.8° W.L. while traffic is transferred from EchoStar 8 to EchoStar 11.¹³ Once traffic transfer is complete, EchoStar 8 will be available to move to 77° W.L., where it will use up to all of the 32 DBS channels available at that orbital location to provide DBS service to the United States, subject to Commission approval.¹⁴ The satellite may also be used to provide DBS service to Mexico

⁹ See *77° W.L. Order* at ¶ 1. EchoStar Satellite Operating LLC's blanket earth station license and its authority to operate U.S. feeder link and TT&C earth stations with the EchoStar 4 satellite were assigned to EchoStar as part of the Spin-Off.

¹⁰ See EchoStar Satellite LLC, Supplement to Petition for Reconsideration, filed in File No. SAT-STA-20050321-00068, at 5 (June 14, 2005); see also Letter from Pantelis Michalopoulos, Counsel for EchoStar Satellite LLC, to Marlene H. Dortch, Secretary, FCC, filed in File No. SAT-STA-20050321-00068, Appendix A, dated May 10, 2005.

¹¹ See Amendment #3 to Satellite Relocation and Use Agreement for the 77° W.L. Orbital Location (effective June 12, 2008). Attached hereto as Attachment 4. This Amendment is being filed under a request for confidentiality. A redacted version is being submitted for the public record.

¹² See *EchoStar 11 Grant*.

¹³ See SAT-STA-20080516-00105 (filed May 16, 2008).

¹⁴ Most likely, EchoStar 8 will be operated on a subset of these 32 channels at full-power mode with the remaining frequencies used to provide service from EchoStar 4 and EchoStar 2.

subject to the receipt of all necessary authorizations from the Mexican Administration.¹⁵

EchoStar currently expects that EchoStar 8 will remain in operation at 77° W.L. until the deployment at that location of the QuetzSat-1 satellite, planned for a 2011 launch.

II. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

Granting EchoStar's Application is in the public interest. EchoStar will be able to take advantage of the greater capabilities that EchoStar 8 brings to bear compared to EchoStar 4 to provide increased programming to U.S. consumers from 77° W.L. while QuetzSat constructs the QuetzSat-1 satellite. Among other things, the satellite will be used to provide high definition local-into-local broadcast stations and other high definition programming into the United States using up to 32 DBS channels from that orbital slot. The satellite will also help expand the coverage available from the 77° W.L. orbital location to cover nearly all of the continental United States.

EchoStar 4 suffers from two infirmities: limited capacity and limited scope of coverage over the U.S. The Commission found that even this limited service from the Mexican orbital slot at 77° W.L. "could serve the public interest by providing service to areas in the Southern U.S., including additional Spanish language programming to areas with significant Spanish-speaking populations."¹⁶ The redeployment of EchoStar 8 at 77° W.L. will achieve this and more, as it

¹⁵ See *Amendment to the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems and DBSC Petition for Declaratory Rulemaking Regarding the Use of Transponders to Provide International DBS Service*, Report and Order, 11 FCC Rcd 2429, ¶ 70 (1996); see also *Protocol Concerning the Transmission and Reception of Signals from Satellites for the Provision of Direct-to-Home Satellite Services in the United States of America and the United Mexican States, U.S.-Mx.*, Nov. 8, 1996, available at <http://www.fcc.gov/ib/sand/agree/files/satellite/mex-dth.pdf>.

¹⁶ See *77° W.L. Order* at ¶ 8.

will ameliorate both of EchoStar 4's defects. It will greatly enhance the programming available from 77° W.L. to U.S. customers, and it will also enhance the scope of U.S. coverage beyond the southern states.

All of this will be achieved without any disruption in service. EchoStar 11 will replace EchoStar 8 at 110° W.L. But for this proposal, therefore, EchoStar 8 would remain unused, relegated to in-orbit spare status.

Thus, putting the satellite into more productive use will allow EchoStar's affiliated DBS provider, DISH, to compete more effectively with terrestrial MVPD distributors – both the established cable operators and telephone companies – whose infrastructure endows them with significantly more bandwidth and programming capacity than is available to DISH.

Moreover, the public interest benefits from increasing the capacity and the scope of the U.S. DBS service provided from 77° W.L. can be achieved without causing harmful interference to other satellites.¹⁷ There is no DBS orbital location in the vicinity of 77° W.L. that is assigned to the United States (the closest U.S. location is 61.5° W.L.). There will likewise be no harmful interference from the operation of an additional satellite at 77° W.L. into Canada's DBS allotments at 72.5° W.L. and 82° W.L. In that respect, EchoStar notes that Canada has modified the coverage of its 72.5° W.L. orbital location to include the United States, and DIRECTV is authorized to serve the United States from its DIRECTV 1R satellite operating at that slot. There is, however, an existing coordination agreement between Mexico and Canada to address interference issues between 77° W.L. and 72.5° W.L. While EchoStar 8 will remain a U.S.-

¹⁷ EchoStar 8 will not use its downlink spot beam capabilities while it is stationed at 77° W.L.

licensed satellite, EchoStar will operate the satellite so that it is within the specifications of that agreement and/or future coordination agreements. Similarly, with respect to Canadian operations at 82° W.L., EchoStar will operate the satellite so that it is within the specifications of the 1996 Mexican ITU modification over all points in Canada and the United States, as well as with the existing coordination agreements between the Administrations of Canada and Mexico and/or any future coordination agreements.

Finally, 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.

III. 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.

IV. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests the expeditious grant of its application for special temporary authority to operate EchoStar 8 as a U.S.-licensed satellite at 77° W.L. for 180 days.

Respectfully submitted,

Pantelis Michalopoulos
Petra A. Vorwig
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000
Counsel for EchoStar Corporation

/s/
Linda Kinney
Vice President, Law and Regulation
Brad Gillen
Director and Senior Counsel
EchoStar Corporation
1233 20th Street, N.W.
Suite 302
Washington, DC 20036-2396
(202) 293-0981

June 16, 2008