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EchoStar Corporation

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SUBJECT TO THE CONDITIONS
DESCRIBED IN THE APPLICATION

Robert G. Nelson
Chief Satellite
Division

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:
Request for Special Temporary Authority to Move EchoStar 8 to 77 W.L.

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		

2. Contact	
Name: Pantelis Michalopoulos Company: Steptoe & Johnson LLP Street: 1330 Connecticut Ave., NW City: Washington Country: USA Attention:	Phone Number: 202-429-6494 Fax Number: E-Mail: pmichalopoulos@steptoe.com State: DC Zipcode: 20036 – 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 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 move the EchoStar 8 satellite from 110 W.L. to 77 W.L. 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).		

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
)

ECHOSTAR CORPORATION)
)

Application for Special Temporary Authority)
To Move EchoStar 8 to 77° W.L.)
_____)

File No. SAT-STA-2008 _____

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") for 30 days to move the EchoStar 8 satellite from its current orbital position at 110° W.L. to 77° W.L. and perform telemetry, tracking and command ("TT&C") operations in order to relocate EchoStar 8 to this new orbital location.² In order to allow for sufficient time to drift and test the satellite at the 77° W.L.

¹ Concurrent with this application, EchoStar is separately requesting special temporary authority to operate 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").

(Continued ...)

orbital location before operations are to begin at that location, the authority requested herein is requested no later than August 21, 2008. EchoStar assumes the risk that its concurrent request for STA to operate EchoStar 8 as a U.S.-licensed satellite at 77° W.L. may be denied.

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. 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.³ 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.⁴

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,⁵ has discussed the proposed operation of EchoStar 8 at 77° W.L., as a

Ownership of the EchoStar 8 satellite was transferred to EchoStar as part of the Spin-Off.

³ See Stamp Grant, File No. SAT-LOA-20070622-00085, Call Sign S2738 (granted Jan. 11, 2008) (“*EchoStar 11 Grant*”).

⁴ 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.

⁵ 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”) filed in File No. SAT-STA-20080616-_____ (English translation).

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.⁶ The operation of EchoStar 4 at 77° W.L. is governed by an agreement between EchoStar and SES Global Latin America, S.A. ("SES"),⁷ 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 has received authority to serve the United States from EchoStar 4 as a foreign-licensed satellite.⁸ The EchoStar 4 satellite, however, can only provide service to the southern U.S. from 77° W.L.⁹

⁶ *EchoStar Satellite LLC*, Order and Authorization, DA 06-868, 21 FCC Rcd 4077 (2006) ("77° W.L. Order").

⁷ See Satellite Relocation and Use Agreement for the 77° W.L. Orbital Location ("77° W.L. Agreement"), as amended, *filed in* File No. SAT-STA-20080616-_____. As part of the Spin-Off, EchoStar has succeeded to the rights and obligations of EchoStar Satellite LLC under the agreement.

⁸ 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.

⁹ See EchoStar Satellite LLC, Supplement to Petition for Reconsideration, filed in File
(Continued ...)

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.¹⁰ 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 8.¹¹ 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 11.¹² 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.¹³ The satellite may also be used to provide DBS service to Mexico subject to the receipt of all necessary authorizations from the Mexican Administration.¹⁴ 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.

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.

¹⁰ *See* Amendment #3 to Satellite Relocation and Use Agreement for the 77° W.L. Orbital Location (effective June 12, 2008), *filed in* File No. SAT-STA-20080616-_____.

¹¹ *See EchoStar 11 Grant.*

¹² *See* SAT-STA-20080516-00105 (filed May 16, 2008).

¹³ 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.

¹⁴ *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>.

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."¹⁵ The redeployment of EchoStar 8 at 77° W.L. will achieve this and more, as it 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.

¹⁵ See 77° W.L. Order at ¶ 8.

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.¹⁶ 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.-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.

¹⁶ EchoStar 8 will not use its downlink spot beam capabilities while it is stationed at 77° W.L.

Finally, during the transition from 110° W.L. to 77° W.L., regular DBS transmissions on the EchoStar 8 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 shall coordinate all drift orbit operations with other potentially affected in-orbit operators.
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 radio communication system.
4. The grant of this STA is at EchoStar's own risk.

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 for 30 days to move EchoStar 8 to 77° W.L. and to perform TT&C operations in order to relocate the satellite to this orbital location.

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for +30 days

SUBJECT TO THE CONDITIONS
DESCRIBED IN THE APPLICATION

-7- Robert G. Nelson
Chief Satellite
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Respectfully submitted,

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June 16, 2008