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December 30, 2008

CONFIDENTIAL – NOT FOR PUBLIC INSPECTION

Via HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **EchoStar Corporation, Status Report**
File No. SAT-STA-20080923-00193

Dear Ms. Dortch:

EchoStar Corporation (“EchoStar”) submits the attached Status Report describing the operating condition of the EchoStar 3 satellite and the status of the replacement satellite for the EchoStar 3 satellite. EchoStar respectfully requests that the Spacecraft Health Report attached to the Status Report as Confidential Attachment 1 (the “Health Report”) be treated as confidential and not routinely available for public inspection pursuant to 47 C.F.R. §§ 0.457 and 0.459. A redacted version of the Status Report, which does not include a copy of the Health Report, is being submitted separately for the public file.

The Health Report contains highly sensitive information about the health of one of EchoStar’s existing satellites. While EchoStar periodically discloses general information about the health of its existing satellites in its annual reports, it does not disclose publicly the detailed technical information found in the Health Report, which includes technical descriptions of specific satellite anomalies as well as projections of possible future failures.

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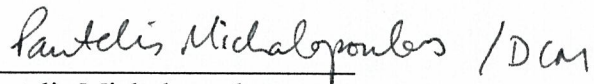
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The information in the Health Report, therefore, qualifies as commercial and technical information “that would customarily be guarded from competitors”¹ regardless of whether or not such materials are protected from disclosure by a privilege. In addition, such information, if disclosed, could result in “substantial competitive harm” to EchoStar by giving its competitors precise knowledge about the current capabilities of the EchoStar 3 satellite. Such information warrants protection under 47 C.F.R. §§ 0.457 and 0.459. EchoStar also requests that the attached material concerning the health status of EchoStar 3 be withheld from disclosure for an indefinite period.

EchoStar requests that the Commission return the Health Report if its request for confidentiality is denied in whole or in part.²

Please contact the undersigned if you have any questions concerning this filing.

Respectfully submitted,



Pantelis Michalopoulos
Counsel for EchoStar Corporation

Attachment

cc:
Robert Nelson, International Bureau

¹ See 47 C.F.R. § 0.457(d)(2); see also *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992) (“[W]e conclude that financial or commercial information provided to the Government on a voluntary basis is ‘confidential’ for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.”).

² See 47 C.F.R. § 0.459(g).