

S2658 SAT-STA-20090430-00049
EchoStar Satellite Operating L.L.C.

File # SAT- STA- 20090430-00049

Call Sign S2658 Grant Date 05/28/09
(or other identifier)

Term Dates for period
From 05/16/09 To: of 60 days

Approved by OMB
3060-0678

Date & Time Filed: Apr 30 2009 5:16:19:756PM
File Number: SAT-STA-20090430-00049
Callsign:



Approved: *Steph J. Duall*
Steph J. Duall
Chief, Policy Branch

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 to Renew STA to Relocate EchoStar 5 from 129 W.L. and to Locate it at 147.925 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

Attachment
EchoStar Satellite Operating L.L.C.
File No. SAT-STA-20090430-00049
Call Sign: S2658
May 28, 2009

EchoStar Satellite Operating L.L.C.'s request, File No. SAT-STA-20090430-00049, is GRANTED. Accordingly, EchoStar Satellite Operating L.L.C. (EchoStar) is authorized, for a period of 60 days commencing on May 16, 2009, to conduct Telemetry, Tracking, and Command (TT&C) operations with the EchoStar 5 satellite to effect the drift of the EchoStar 5 satellite from the 129° W.L. orbital location to the 147.925° W.L. orbital location. During the drift from 129° W.L. to the 147.925° W.L. orbital location, EchoStar is authorized to use the 17301.0 MHz frequency for telecommand, and the 12201-12202 MHz frequencies for telemetry. This authorization shall be in accordance with the technical specifications set forth in EchoStar's application, the Commission's rules, and is subject to the following conditions:

1. All operations during the drift shall be on an unprotected and non-harmful interference basis, *i.e.*, EchoStar shall not cause harmful interference to, and shall not claim protection from, interference caused to it by any other lawfully operating radiocommunication station.
2. In the event of any harmful interference during EchoStar 5's drift to the 147.925° W.L., EchoStar shall cease operations immediately upon notification of such interference and EchoStar shall inform the Commission in writing within three days of such an event.
3. During the drift to, and while located at the 147.925° W.L. orbital location, EchoStar may not operate EchoStar 5's communications payload.
4. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at EchoStar's own risk
5. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.



* subject to conditions

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Approved: Stephen J. Duall

Stephen J. Duall
Chief, Policy Branch

2. Contact	
Name:	Pantelis Michalopoulos
Company:	Step toe & Johnson LLP
Street:	1330 Connecticut Ave NW
City:	Washington
Country:	USA
Attention:	
Phone Number:	202-429-6494
Fax Number:	
E-Mail:	pmichalopoulos@step toe.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?	
<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	
	7. Requested Extended Expiration Date

<p>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.)</p> <div style="border: 1px solid black; padding: 5px;"> <p>EchoStar Satellite Operating L.L.C. requests to renew its STA for an additional 60 days to relocate the EchoStar 5 satellite from 129 W.L. and to locate the satellite at the specific 147.925 W.L. location. See attached narrative.</p> </div>					
<p>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 &quot;party to the application&quot;; for these purposes.</p> <p style="text-align: right;"> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>					
<p>10. Name of Person Signing Linda Kinney</p>	<p>11. Title of Person Signing Vice President, Law and Regulation</p>				
<p>12. Please supply any need attachments.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Attachment 1: Narrative</td> <td style="width: 50%;">Attachment 2:</td> </tr> <tr> <td></td> <td>Attachment 3:</td> </tr> </table>		Attachment 1: Narrative	Attachment 2:		Attachment 3:
Attachment 1: Narrative	Attachment 2:				
	Attachment 3:				
<p style="text-align: center;">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).</p>					

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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 SATELLITE OPERATING L.L.C.)

For Special Temporary Authority to Relocate)
the EchoStar 5 Satellite from 129° W.L. to)
147.925° W.L.)
_____)

) File No. SAT-STA-20081003-00201
) File No. SAT-STA-20090312-00035
) File No. SAT-STA-2009____ - _____
) Call Sign S2658
)
)
)

**APPLICATION TO RENEW SPECIAL TEMPORARY AUTHORITY AND
END TO RELOCATION EARLY AT 147.925° W.L.**

EchoStar Satellite Operating L.L.C. (“DISH”) respectfully requests renewal of its Special Temporary Authority (“STA”) for an additional 60 days to permit it to complete the move of the EchoStar 5 satellite from the 129° W.L. orbital location, where it has been operating as a Canadian-licensed satellite, to its authorized nominal orbital location at 148° W.L.¹ This STA is set to expire on May 15, 2009.² DISH also requests authority to end the satellite relocation early so that the satellite will be located at 147.925° W.L. rather than 148° W.L. as previously requested.³

The satellite will be located at 147.925° W.L. to ensure a safe cohabitation in the cluster with the EchoStar 1 satellite operating at 148.025° W.L.⁴ The extension of the above referenced

¹ File No. SAT-A/O-20081003-00215 (granted Feb. 3, 2009).

² See File No. SAT-STA-20090312-00035 (granted Apr. 3, 2009).

³ In conjunction with this Application, DISH is also filing a modification of its authority to operate to request authority to locate the satellite at, and operate it from, 147.925° W.L. See SAT-MOD-2009____ - _____ (filed April 30, 2009).

⁴ EchoStar 1 operates at a center orbital location of 148.025° W.L., within ±0.05° of its authorized 148.0° W.L. orbital location. See 47 C.F.R. 25.210(j).

STA is necessary to allow DISH to complete the relocation of the EchoStar 5 satellite to 147.925° W.L. As explained in the narrative submitted with the original STA, the move of the 32-transponder EchoStar 5 satellite to the 148° W.L. cluster, will replace the EchoStar 2 satellite (which is no longer under DISH's control) and free up the EchoStar 1 satellite (operating on the 16 odd DBS channels) for redeployment.⁵ In addition, locating the satellite at a safe orbital distance from EchoStar 1 serves the public interest and does not adversely affect the operations of any other spacecraft or other authorized spectrum users.

I. 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.⁶ The proposed operations meet both of these tests.

The Ciel 2 satellite arrived at the nominal 129° W.L. orbital location and DISH began transferring traffic from EchoStar 5 on February 3, 2009. Because traffic transfer took longer than expected, DISH began to relocate EchoStar 5 to 147.925° W.L. on April 29, 2009, and expects the satellite to reach 147.925° W.L. on or around May 26, 2009. Just as it was in the public interest to initially authorize DISH to move the satellite to the 148° W.L. cluster,⁷ it is also in the public interest for the satellite to be authorized to complete its relocation maneuver.

⁵ DISH has requested authority to relocate EchoStar 1 to, and operate it from, the 77° W.L. orbital location. File Nos. SAT-STA-20090130-00013, SAT-STA-20090130-00014 (filed Jan. 30, 2009).

⁶ 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).

⁷ See Stamp Grant, File No. SAT-STA-20081003-00201, Call Sign S2658 (granted Jan. 7, 2009).

It is also in the public interest to allow DISH to end the satellite relocation maneuvers early to locate the satellite at 147.925° W.L. In order for EchoStar 1 and 5 to operate together temporarily at the nominal 148° W.L. orbital location, DISH has determined that the EchoStar 5 satellite should be located at 147.925° W.L. to ensure safe cohabitation with EchoStar 1 operating at 148.025° W.L. Because there are no other satellites operating at the nominal 148° W.L. orbital location, the precise location of EchoStar 5 within the 148° W.L. cluster is of no matter for any other operator.

DISH will coordinate the move of EchoStar 5 to 147.925° W.L. so that its TT&C communications do not cause harmful interference into any authorized user of the spectrum while en route. DISH will also ensure the safety of all spacecraft using that portion of the geostationary arc during the relocation.

II. SECTION 304 WAIVER

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

III. CONCLUSION

For the foregoing reasons, DISH respectfully requests renewal of its STA for an additional 60 days to move the EchoStar 5 satellite from 129° W.L. and to end the relocation early to locate the satellite at 147.925° W.L. During the relocation, DISH will adhere to all of the conditions imposed on the original STA.⁸

⁸ Stamp Grant, File No. SAT-STA-20081003-00201 (granted Jan. 7, 2009).

Respectfully submitted,

EchoStar Satellite Operating L.L.C.

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*Counsel for EchoStar Satellite Operating
L.L.C.*

April 30, 2009

/s/
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Director and Senior Counsel
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