

File # SAT-STA-20090430-00050

Call Sign S2658 Grant Date 05/28/09

(or other identifier)

Approved by OMB
3060-0678

Term Dates for period
From 05/26/09 To: of 60 days

GRANTED

International Bureau

* subject to conditions

Date & Time Filed: Apr 30 2009 5:19:03:670PM
File Number: SAT-STA-20090430-00050
Callsign:

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:
Special Temporary Authority to Operate the EchoStar 5 Satellite at 147.925 W.L. Pending Modification of its Authority

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-20090430-00050
Call Sign: S2658
May 28, 2009

EchoStar Satellite Operating L.L.C.'s request for Special Temporary Authority, File No. SAT-STA-20090430-00050, is GRANTED. Accordingly, EchoStar Satellite Operating L.L.C. (EchoStar) is authorized, for a period of 60 days commencing on May 26, 2009, to operate the EchoStar 5 satellite at the 147.925° W.L. orbital location. EchoStar is granted temporary authority to operate the EchoStar 5 satellite using channels 1-32 in the 12.2-12.7 GHz (space-to-Earth) and 17.3-17.8 GHz (Earth-to-space) frequency bands at the 147.925° W.L. orbital location. This authorization shall be in accordance with the technical specifications set forth in EchoStar's current authorization, the Commission's rules, and is subject to the following conditions:¹


1. EchoStar must maintain the EchoStar 5 satellite at 147.925° W.L. with a ± 0.05 degree longitudinal station-keeping. EchoStar shall not operate the EchoStar 5 satellite outside of these station-keeping limits without further authorization.

2. EchoStar is afforded 30 days from the date of the release of this authorization to decline it, as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization, as conditioned.

3. This authorization is without prejudice to the Commission's action in File No. SAT-MOD-20090430-00048.

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.

 GRANTED* International Bureau *subject to conditions	File # <u>SAT-STA-20090430-00050</u>
	Call Sign <u>S2658</u> Grant Date <u>05/28/09</u> (or other identifier)
	Term Dates for period From <u>05/26/09</u> To: <u>of 60 days</u>
	Approved: <u>Stephen J. Duall</u> Stephen J. Duall Chief, Policy Branch

¹ See EchoStar Satellite Corporation L.L.C., SAT-A/O-20081003-00215, granted with conditions on February 3, 2009.

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@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 IB2009001173	
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 STA to operate the EchoStar 5 satellite at 147.925 W.L. pending modification of its authority. 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 "party to the application"; for these purposes.</p> <p style="text-align: center;"> <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>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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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

ECHOSTAR SATELLITE OPERATING L.L.C.)

For Space Station Special Temporary)
Authority to Operate EchoStar 5 at 147.925°)
W.L. While Modification for Permanent)
Authority Is Pending)

File No. SAT-STA-2009 ____ - ____

Call Sign S2658

APPLICATION FOR SPACE STATION SPECIAL TEMPORARY AUTHORITY

EchoStar Satellite Operating L.L.C. (“DISH”) respectfully requests for a period of 60 days beginning May 26, 2009, Special Temporary Authority (“STA”) to operate the EchoStar 5 satellite at 147.925° W.L. while modification of its application for permanent authority for the same is pending.¹ The satellite will be located at 147.925° W.L. to ensure a safe cohabitation in the 148° W.L. cluster with the EchoStar 1 satellite operating at 148.025° W.L.² 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.³ In addition, locating the satellite at a safe orbital

¹ See SAT-MOD-2009____ - ____ (filed April 30, 2009). DISH has also requested to renew its STA to relocate EchoStar 5 from 129° W.L. and to stop the relocation early so that the satellite can be located at 147.925° W.L.

² EchoStar 1 operates at a center orbital location of 148.025° W.L., within $\pm 0.05^\circ$ of its authorized 148.0° W.L. orbital location, *see* 47 C.F.R. 25.210(j).

³ 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).

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.⁴ The proposed operations meet both of these tests.

Up until February 3, 2009, DISH held Commission licenses to operate the EchoStar 1 and 2 DBS satellites at the nominal 148° W.L. orbital location. On July 14, 2008, EchoStar 2 suffered a catastrophic loss, necessitating a redeployment of DISH's fleet to resume full utilization of the spectrum at 148° W.L.

On February 3, 2009, the International Bureau authorized DISH to operate the EchoStar 5 satellite at 148° W.L.⁵ 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. Therefore, in order for DISH to bring the 16 even channels previously used by EchoStar 2 back into service safely, DISH is requesting STA to operate the EchoStar 5 satellite at 147.925° W.L. while modification of its permanent authority is pending.

⁴ 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).

⁵ See File No. SAT-A/O-20081003-00215 (granted Feb. 3, 2009).

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 for a period of 60 days beginning May 26, 2009, a space station Special Temporary Authority to relocate and operate the EchoStar 5 satellite at 147.925° W.L. while modification of its application for permanent authority for the same is pending.

Respectfully submitted,

EchoStar Satellite Operating L.L.C.

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

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

April 30, 2009

_____/s/_____
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