

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

)	
In the Matter of)	
)	
ECHOSTAR CORPORATION)	
)	File No. SAT-STA-2010_____
Application for Special Temporary Authority)	
To Move EchoStar 12 to, and Operate It at)	
61.35° W.L.)	
)	

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY¹

By this Application, EchoStar Corporation (“EchoStar”) requests special temporary authority (“STA”) for 60 days (a) to move the EchoStar 12 satellite (formerly referred to as Rainbow 1) from its current orbital position at 61.65° W.L. to 61.35° W.L., and (b) to operate it from that location, in order to accommodate EchoStar 6, which EchoStar has requested authority to redeploy as a spare at 61.65° W.L.² This move is necessitated by the recent loss of additional transponder capacity on EchoStar 3. In light of the timing exigencies posed by this further, and unforeseen, loss, EchoStar requests action by no later than February 15, 2010.

EchoStar is currently operating two Direct Broadcast Satellite (“DBS”) service satellites at the nominal 61.5° W.L. orbital location – EchoStar 3 and EchoStar 12. As the Commission is aware, EchoStar 3 has experienced several transponder failures due to Traveling Wave Tube

¹ Concurrent with this application, EchoStar is filing applications to relocate the EchoStar 6 satellite to, and operate it as an in-orbit spare from, 61.65° W.L. (“EchoStar 6 Application”). EchoStar will also file an application to modify its authority to operate the EchoStar 12 to reflect this minor change in orbital location.

² *See id.*

Amplifier (“TWTA”) anomalies, and has been operating at reduced capacity.³ On January 7, 2010, EchoStar 3 experienced another TWTA anomaly further diminishing its operating capacity. As a result of this failure, EchoStar will not be able to maintain the current level of service provided from 61.5° W.L. unless it relocates at least one additional satellite to the orbital location. EchoStar, therefore, has requested authority temporarily to relocate EchoStar 6 to 61.65° W.L. to supplement the service provided by EchoStar 3 and EchoStar 12 to maintain regular programming.⁴

The concurrent operation of these satellites will ensure that EchoStar’s customer, DISH Network Corporation, will be able to continue providing DBS service to consumers without any service interruptions until EchoStar’s EchoStar 15 satellite begins operating at 61.5° W.L.⁵ EchoStar 15, a 32-transponder-capable DBS satellite, is expected to effectively replace EchoStar 3 and will be ready for launch by the fourth quarter of 2010.⁶ In order to accommodate EchoStar 6 at 61.65° W.L. safely prior to the launch of EchoStar 15, EchoStar 12 must be moved to 61.35° W.L.

³ See EchoStar 3 Status Report, File No. SAT-STA-20090821-00092 (filed Dec. 30, 2009) (“EchoStar 3 Status Report”); *EchoStar Satellite Operating Corporation, Application for Extension and Modification of Special Temporary Authority to Operate Direct Broadcast Satellite Service over Channels 23 and 24 at the 61.5° W.L. Orbital Location*, Order and Authorization, 22 FCC Rcd. 2223, at ¶¶ 4-6 (2007).

⁴ See EchoStar 6 STAs.

⁵ EchoStar has previously informed the Commission that it has initiated construction of the satellite at EchoStar’s own risk, and intends to file an application seeking authority to launch and operate the satellite in the immediate future.

⁶ See EchoStar 3 Status Report.

I. THIS APPLICATION IS IN THE PUBLIC INTEREST AND WILL NOT CAUSE HARMFUL INTERFERENCE

This application is in the public interest for the reasons set forth in the EchoStar 6 Application, which are incorporated herein by reference. Furthermore, grant of this application will ensure safe station-keeping margins for each of the three satellites that will be located at the nominal 61.5° W.L. orbital location. Grant of this application also will not cause harmful interference because EchoStar 12 will be moving 0.3 degrees to the east, farther away from the nearest Broadcasting-Satellite Service (“BSS”) satellite other than EchoStar’s satellites, DIRECTV 1R, operating at 72.5° W.L.

Furthermore, while EchoStar 12 is operating at 61.35° W.L., it will abide by the following conditions:

- a) All operations during the relocation 61.35° W.L. shall be on a non-harmful interference basis, meaning that EchoStar shall not cause inference to, and shall not claim protection from, interference caused to it by any other lawfully operating satellites.
- b) In the event that any harmful interference is caused while the satellite is relocating to 61.35° W.L., EchoStar shall cease operations immediately upon notification of such interference and shall inform the Commission immediately, in writing, of such event.

II. 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.

III. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests the grant of its application for special temporary authority for 60 days to relocate EchoStar 12 to 61.35° W.L. and operate it at that location.

Respectfully submitted,

/s/

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