



File # SAT-STA-20100203-00021
 Call Sign S2653 Grant Date 02/19/10
 (or other identifier)
 Term Dates Period of
 From 02/19/10 To: 60 days
 Approved: Stephen Duall
 Stephen S. Duall
 Chief Satellite Policy Branch

Approved by OMB
 3060-0678

Date & Time Filed: Feb 3 2010 6:25:53:796PM
 File Number: SAT-STA-20100203-00021
 Callsign:

*subject to
 conditions

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 Move EchoStar 12 to, and Operate it at, 61.35 W.L.

1. Applicant

Name: EchoStar Corporation Phone Number: 303-723-1000
 DBA Name: Fax Number:
 Street: 100 Inverness Terrace East E-Mail:
 City: Englewood State: CO
 Country: USA Zipcode: 80112
 Attention: Linda Kinney - (202)293-0981

Attachment to Grant
File No SAT-STA-20100203-00021
February 19, 2010

The request of EchoStar Corporation (EchoStar) for special temporary authority, IBFS File No. SAT-STA-20100203-00021, is granted. Accordingly, EchoStar is authorized, for a period of 60 days commencing on February 19, 2010, to conduct telemetry, tracking, and telecommand (TT&C) in the 12.2-12.27 (space-to-Earth) and 17.3-17.8 GHz (Earth-to-space) frequency bands necessary to drift the EchoStar 12 space station (Call Sign S2653) from the 61.65° W.L. orbital location to the 61.35° W.L. orbital location and to operate the Direct Broadcast Satellite (DBS) communications payload on the EchoStar 12 space station in the 12.2-12.27 (space-to-Earth) and 17.3-17.8 GHz (Earth-to-space) frequency bands during the drift. EchoStar is also authorized to operate the DBS payload on the EchoStar 12 space station in the 12.2-12.27 (space-to-Earth) and 17.3-17.8 GHz (Earth-to-space) frequency bands at the 61.35° W.L. orbital location temporarily under this authorization. This authorization is granted in accordance with the terms, conditions, and technical specifications set forth in EchoStar's application, the Federal Communication Commission's rules, and the conditions of this attachment.

1. All operations 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 system.
2. In the event of any harmful interference as a result of the operations of EchoStar 12 at the 61.35° W.L. orbit location or during drift to the 61.35° W.L. orbital location, EchoStar shall cease operations immediately upon notification of such interference and shall inform the Commission, in writing, immediately of such an event.
3. EchoStar shall coordinate its operations with existing geostationary satellites to ensure that no unacceptable interference results from its temporary operations at the 61.35° W.L. orbital location or from its TT&C operations during the drift to the 61.35° W.L. orbital location.
4. Grant of this authorization is without prejudice to any determination that the Commission may make regarding any EchoStar application for permanent operations of the EchoStar 12 space station at the 61.35° W.L. orbital location.
5. Any action taken or expense incurred as a result of operations pursuant to this STA is at EchoStar's own risk.
6. During the drift from the 61.65° W.L. orbital location to the 61.35° W.L. orbital location, and while operating at the 61.35° W.L. orbital location, the operations of EchoStar 12 shall not exceed the technical parameters of the pending ITU Region 2 BSS Plan modification corresponding to the USABSS-17 satellite network.
7. The customer notification and programming conditions for operation of Direct Broadcast Channels 23 and 24 from the EchoStar 12 satellite, while temporarily suspended, apply to operation of the EchoStar 12 communications payload at the 61.35° W.L. as well as at the 61.65° W.L., and at all orbital locations between, so long as the communications payload of the EchoStar 12 satellite is operating. See IBFS File No. SAT-STA-20090821-00092 (granted, with conditions, Dec. 1, 2009).
8. EchoStar is afforded 30 days from the date of release of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

Attachment to Grant
File No SAT-STA-20100203-00021
February 19, 2010

9. 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.



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Term Dates period of
From 02/19/10 To: 60 days

Approved: *Stephen J. Duall*
Stephen J. Duall
Chief, Satellite Policy Branch

2. Contact	
Name:	Pantelis Michalopoulos
Company:	Stephoe & Johnson LLP
Street:	1330 Connecticut Ave. NW
Phone Number:	(202)429-6494
Fax Number:	
E-Mail:	pmichalopoulos@stephoe.com
City:	Washington
State:	DC
Country:	USA
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	
61.35 W.L.	
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 Corporation seeks special temporary authority to move the EchoStar 12 satellite to, and to operate it at, 61.35 W.L. 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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**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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February 3, 2010

