

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

---

)

)

In the Matter of )

)

**DISH OPERATING L.L.C.** )

) File No. SAT-STA-20100219-\_\_\_\_\_

Application for Special Temporary Authority ) Call Sign S2738

to Launch and Test the EchoStar 14 Satellite )

at 138.5° W.L. and to Move the Satellite to )

118.9° W.L. Once Testing Is Complete )

)

---

)

**APPLICATION FOR SPECIAL TEMPORARY AUTHORITY**

DISH Operating L.L.C. (“DISH”) respectfully requests 60-day Special Temporary Authority (“STA”), commencing on or about March 20, 2010, to permit DISH to (1) launch its new EchoStar 14 satellite to the 138.5° W.L. orbital location; (2) to test it at that location in the 12.2-12.7 and 17.3-17.8 GHz bands; and (3) to move the satellite from 138.5° W.L. to 118.9° W.L. once testing is complete.<sup>1</sup> DISH has filed a minor modification to its authorization to provide DBS service at 119° W.L. to allow it to launch and operate the EchoStar 14 satellite.<sup>2</sup> As discussed below, launch and testing of EchoStar 14 at 138.5° W.L. will avoid disruption to existing customers at 118.9° W.L. and will not adversely affect the operations of any other

---

<sup>1</sup> Simultaneous with this application, DISH is requesting (1) STA to operate EchoStar 14 at 118.9° W.L. while its application to operate the satellite at that location remains pending and (2) STA to relocate EchoStar 7 to 118.8° W.L. DISH’s sister company, EchoStar Corporation, also is requesting authority to operate two transmit/receive earth stations to perform the testing and relocation operations described in this application.

<sup>2</sup> See File No. SAT-LOA-20090518-00053, Call Sign S2790 (filed May 18, 2009); amended by File Nos. SAT-AMD-20090604-00064 (filed June 4, 2009); SAT-AMD-20100212-00027 (filed Feb. 12, 2010) (“*EchoStar 14 Application*”).

spacecraft or other authorized spectrum users. EchoStar 14 is scheduled to launch on March 20, 2010, and DISH requests action on this request by that date.<sup>3</sup>

## **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.<sup>4</sup> The requested operations meet both of these tests.

First, launching and testing EchoStar 14 at 138.5° W.L. will not cause harmful interference to any other spacecraft or authorized user of the spectrum. Although Canada has Broadcasting-Satellite Service (“BSS”) assignments in the ITU Region 2 Appendix 30/30A Plan at 137.8° W.L. and 138.2° W.L., there are no operational Canadian satellites at these orbital locations, nor are any satellites planned to be launched there during the time frame of EchoStar 14’s in-orbit testing at 138.5° W.L. Indeed, the closest operating BSS satellite to the 138.5° W.L. orbital location is Ciel 2 operating at 129.0° W.L.<sup>5</sup> DISH currently leases capacity on Ciel 2 to provide DBS service to the United States and is confident it will be able to coordinate any potential interference, to the extent there is any, created by EchoStar 14’s temporary operations at 138.5° W.L. DISH is not aware of any other BSS satellites planned to be brought into operation near 138.5° W.L. during the time frame of EchoStar 14’s in-orbit testing.

---

<sup>3</sup> Action on the launch portion of this STA would only be necessary if the Commission has not completed consideration of DISH’s amended minor modification application to launch and operate EchoStar 14 by early March.

<sup>4</sup> 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).

<sup>5</sup> Furthermore, DISH has received notice from Industry Canada that it concurs with DISH’s plan to test EchoStar 14 at 138.5° W.L.

Second, launching and testing EchoStar 14 at 138.5° W.L. serves the public interest, as it will allow DISH to ensure that the satellite is fully operational when it arrives at 118.9° W.L., thereby avoiding any interruption in service that otherwise might be associated with spacecraft testing. In similar circumstances, the Commission has previously allowed launch and testing of new DBS satellites at the same orbital location.<sup>6</sup>

Once testing is complete, all transponders (other than the TT&C transponders) on the satellite will be turned off and the satellite will be moved to 118.9° W.L. where it will begin DBS operations.<sup>7</sup> Just as it is in the public interest to operate EchoStar 14 at 118.9° W.L.,<sup>8</sup> it is also in the public interest for the satellite to be moved to that location from its in-orbit testing location. DISH will coordinate the move so that its TT&C communications (on 17.794 and 17.797 GHz for command, and 12.692 GHz and 12.698.5 GHz for telemetry) do not cause harmful interference into any authorized user of the spectrum (including satellites operated by Ciel Satellite Limited Partnership at 129° W.L., and DISH itself and DIRECTV Enterprises, LLC, at 119° W.L.) while en route. DISH will also ensure the safety of all spacecraft using that portion of the geostationary arc during the relocation.

---

<sup>6</sup> See Stamp Grant, File No. SAT-STA-20060104-00002 (granted Feb. 3, 2006) (granting STA to launch and test EchoStar 10 at 138.5° W.L.); see also Stamp Grant, File No. SAT-STA-20050624-00136 (granted Aug. 19, 2005) (granting STA to drift DIRECTV 8 to 138° W.L. to conduct in-orbit testing).

<sup>7</sup> DISH is separately requesting authority to move EchoStar 7 from 118.9° W.L. to 118.8° W.L. to better accommodate EchoStar 14 at 118.9° W.L. See SAT-STA-20100219-\_\_\_\_\_.

<sup>8</sup> See *EchoStar 14 Application, supra*. The discussion contained in the Application is incorporated by reference.

## **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 the expeditious grant of a 60-day STA, commencing on or about March 20, 2010, to launch and test EchoStar 14 at 138.5° W.L. and to move the satellite to 118.9° W.L. once testing is complete. During in-orbit testing, DISH will operate the EchoStar 14 satellite subject to the following conditions:

(a) DISH will coordinate its test operations with all potentially affected operating satellite networks.

(b) During the test operations DISH will not cause harmful interference to, and will not claim protection from interference caused by, any other lawfully operating satellites or radiocommunications systems.

(c) Upon notification of any harmful interference, DISH will cease its test operations immediately. In addition, DISH will inform the Commission in writing that it has received such a notification.

(d) DISH shall notify the Commission not later than 7 days after the completion of in-orbit testing of EchoStar 14 and the commencement of relocation to 118.9° W.L.

In addition, during the relocation of EchoStar 14 from 138.5° W.L. to 118.9° W.L., all transponders other than the TT&C transponders will be switched off, and DISH will operate the satellite subject to the following conditions:

(a) DISH shall coordinate all drift orbit operations with other potentially affected in-orbit operators.

(b) No harmful interference will be caused to any lawfully operating satellite network or radio communication system, and DISH operations will cease immediately upon notification of harmful interference. Further, DISH shall notify the Commission immediately, in writing, of such an event.

(c) DISH will accept interference from any lawfully operating satellite network or radio communication system.

Respectfully submitted,

**DISH Operating L.L.C.**

Pantelis Michalopoulos  
Petra A. Vorwig  
L. Lisa Sandoval  
Steptoe & Johnson LLP  
1330 Connecticut Avenue N.W.  
Washington, D.C. 20036  
(202) 429-3000  
*Counsel for DISH Operating L.L.C.*

/s/ \_\_\_\_\_  
Linda Kinney  
Vice President, Law and Regulation  
**DISH Operating L.L.C.**  
1110 Vermont Avenue NW, Suite 750  
Washington, DC 20005  
(202) 293-0981

February 19, 2010