

S2790 SAT-STA-20100219-00032 IB2010000661
DISH Operating L.L.C.

Date & Time Filed: Feb 19 2010 6:38:03:620PM
File Number: SAT-STA-20100219-00032
Callsign:

Approved by OMB
3060-0678

File # SAT-STA-20100219-00032
Call Sign S2790 Grant Date 03/11/10
(or other identifier) Term Dates Period of
From 03/20/10 To: 60 days
Approved: Stephen J. Duall



*subject to conditions
Stephen J. Duall
Chief, Satellite 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:
Special Temporary Authority to Launch and Test EchoStar 14 at 138.5 W.L. and Thereafter to Move the Satellite to 118.9 W.L.

1. Applicant

Name:	DISH 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 to Grant
DISH Operating L.L.C.
IBFS File No. SAT-STA-20100219-00032

The request of DISH Operating L.L.C. for special temporary authority, IBFS File No. SAT-STA-20100219-00032, is GRANTED. Accordingly, DISH Operating L.L.C. is authorized to conduct in-orbit testing of the EchoStar 14 satellite (Call Sign S2790) using the 12.2-12.7 GHz and 17.3-17.8 GHz frequency bands, at the 138.5° W.L. orbital location, for a period of 60 days commencing on March 20, 2010, and once testing is complete, to operate telemetry, tracking, and telecommand frequencies during the relocation of the satellite to the 118.9° W.L. orbital location, in accordance with the terms and technical specifications set forth in DISH's application, the Federal Communications Commission's rules, and the conditions of this attachment.¹

1. DISH Operating L.L.C. shall coordinate its test operations with all potentially affected in-orbit satellite networks.
2. The operations of EchoStar 14 shall not cause harmful interference to any other lawfully operating radiocommunication system.
3. DISH Operating L.L.C. shall cease operations immediately upon notification of harmful interference caused by the operations of EchoStar 14 to any lawfully operating radiocommunication system. Further, DISH shall notify the Commission immediately, in writing, of such an event.
4. DISH Operating L.L.C. shall accept interference from any lawfully operating radiocommunication system.
5. DISH operating L.L.C.'s use of the 138.5° W.L. orbital location is for the testing of the EchoStar 14 satellite only and shall not be used to provide commercial service.
6. Within 7 days of the completion of the testing of EchoStar 14, DISH Operating L.L.C. shall notify the Commission in writing that testing is complete and the move to 118.9° W.L. has commenced.
7. DISH Operating L.L.C. shall coordinate all drift orbit operations with other potentially affected in-orbit operators.
8. During the drift of the EchoStar 14 satellite to 118.9° W.L., DISH shall not operate the Direct Broadcast Satellite (DBS) Service payload of the EchoStar 14 satellite.
9. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at DISH Operating L.L.C.'s own risk.
10. DISH Operating L.L.C. is afforded thirty days from the date of release of this action to decline the authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

¹ In this application, DISH also requested authority to launch the EchoStar 14 satellite, which is now moot. *See* DISH Operating L.L.C., *Order and Authorization*, DA 10-407 (March 10, 2010).

Attachment to Grant
DISH Operating L.L.C.
IBFS File No. SAT-STA-20100219-00032

11. This Grant 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.



*subject to conditions

File # SAT-STA-20100219-00032

Call Sign S2790 Grant Date 03/11/10
(or other identifier)

Term Dates period of
From 03/20/10 To: 60 days

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

2. Contact			
Name:	Pantelis Michalopoulos	Phone Number:	202-429-6494
Company:	Step toe & Johnson LLP	Fax Number:	202-429-3902
Street:	1330 Connecticut Ave NW	E-Mail:	pmichalopoulos@steptoe.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036
Attention:		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 SATLOA2009051800053 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 138.5 W.L.			7. Requested Extended Expiration Date

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.)

DISH Operating L.L.C. seeks special temporary authority to launch and test the EchoStar 14 satellite at 138.5 W.L., and to relocate the satellite to 118.9 W.L. once testing is complete. See attached narrative.

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. Yes No

10. Name of Person Signing
Linda Kinney

11. Title of Person Signing
Vice President, Law and Regulation

12. Please supply any need attachments.

Attachment 1: Narrative

Attachment 2:

Attachment 3:

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).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember – You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0678.

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)
)
)
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.¹ 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.² 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

¹ 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.

² 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.³

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 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.⁵ 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.

³ 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.

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 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.⁶

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.⁷ Just as it is in the public interest to operate EchoStar 14 at 118.9° W.L.,⁸ 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.

⁶ 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).

⁷ 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-_____.

⁸ *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.

