

S2811 SAT-STA-20100615-00133
EchoStar Corporation

IB2010001838

File # SAT-STA-20100615-00133

Call Sign S2811
(or other identifier)

Grant Date 07/09/10

Approved by OMB
3060-0678

Term Dates Period of
From 07/10/10 To: 30 days

GRANTED*

International Bureau

*subject to conditions

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

Date & Time Filed: Jun 15 2010 11:36:15:670AM
File Number: SAT-STA-20100615-00133
Callsign:

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:
STA to Launch and Test the EchoStar 15 Satellite

I. Applicant

Name:	EchoStar Corporation	Phone Number:	303-706-4000
DBA Name:		Fax Number:	
Street:	100 Inverness Terrace East	E-Mail:	
City:	Englewood	State:	CO
Country:	USA	Zipcode:	80112
Attention:	Alison Minea - (202)293-1216		


ATTACHMENT
Conditions of Authorization
IBFS File No. SAT-STA-20100615-00133
Call Sign S2811
Grant Date: July 9, 2010

The request of EchoStar Corporation (EchoStar) for special temporary authority (STA), IBFS File No. SAT-STA-20100615-00133, is granted. Accordingly, EchoStar is authorized for a period of 30 days, commencing on July 10, 2010, to conduct in-orbit testing of the EchoStar 15 space station on Direct Broadcast Satellite (DBS) Service channel 23 at the 61.55° W.L. orbital location. This authorization is granted in accordance with the terms, conditions, and technical specifications set forth in EchoStar's application and supplement, the conditions set forth in this Attachment, and the Commission's rules.

1. EchoStar must coordinate its test operations with all potentially affected operating satellite networks.
2. 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 cause to it, by any other lawfully operating radiocommunication system.
3. In the event of any harmful interference as a result of the operations of the EchoStar 15 space station during in-orbit testing at the 61.55° W.L. orbital location, EchoStar shall cease operations immediately upon notification of such interference and shall immediately inform the Commission, in writing, of such an event.
4. Operations of the EchoStar 15 space station on channel 23 at the 61.55° W.L. orbital location are limited to in-orbit testing, and shall not include any provision of commercial services.
5. EchoStar shall notify the Commission within 24 hours of the commencement of in-orbit testing of EchoStar 15 and again within 3 business days after the completion of in-orbit testing of EchoStar 15 via email to Chip Fleming (chip.fleming@fcc.gov) and Mark Young (mark.young@fcc.gov).
6. Any action taken or expense incurred as a result of operations pursuant to this STA is at EchoStar's own risk.

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

8. 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	File # <u>SAT-STA-20100615-00133</u>
	Call Sign <u>S2811</u> Grant Date <u>07/09/10</u> (or other identifier)
	Term Dates period of From <u>07/10/10</u> To: <u>30 days</u>
	Approved: <u>Stephen J. Duall</u> Stephen J. Duall Chief, Satellite Policy Branch
	*subject to conditions

2. Contact	
Name:	Pantelis Michalopoulos
Company:	Step toe & Johnson LLP
Street:	1330 Connecticut Avenue, NW
Phone Number:	202-429-6494
Fax Number:	202-429-3902
E-Mail:	PMichalopoulos@step toe,com
City:	Washington
Country:	USA
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 SATLOA2010031000043 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	
61.55 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 launch and test the EchoStar 15 satellite at 61.55 W.L.</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: right;"> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>					
<p>10. Name of Person Signing Alison Minea</p>	<p>11. Title of Person Signing Corporate Counsel</p>				
<p>12. Please supply any need attachments.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Attachment 1: Launch and Test STA</td> <td style="width: 50%;">Attachment 2:</td> </tr> <tr> <td>Attachment 3:</td> <td></td> </tr> </table>		Attachment 1: Launch and Test STA	Attachment 2:	Attachment 3:	
Attachment 1: Launch and Test STA	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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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)
)
)

ECHOSTAR CORPORATION)
)

Application for Special Temporary Authority)
to Launch and Test the EchoStar 15 Satellite)
at 61.55° W.L.)
)
)
)
)

File No. SAT-STA-2010____-_____
Call Sign S2811

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY TO LAUNCH AND TEST

EchoStar Corporation (“EchoStar”) respectfully requests 60-day Special Temporary Authority (“STA”), commencing on or about July 10, 2010, to permit EchoStar to launch its new EchoStar 15 satellite to the 61.55° W.L. orbital location; and to test it at that location in the 12.2-12.7 and 17.3-17.8 GHz bands.¹ EchoStar has filed an application to launch and operate the EchoStar 15 satellite at 61.55° W.L. on the Direct Broadcast Satellite (“DBS”) channels already licensed to EchoStar at the nominal 61.5° W.L. orbital location.² As discussed below, launch and testing of EchoStar 15 at 61.55° W.L. will avoid disruption to existing customers and will not adversely affect the operations of any other spacecraft or other authorized spectrum users.

¹ Simultaneous with this application, EchoStar is requesting (1) STA to operate EchoStar 15 at 61.55° W.L. while its application to operate the satellite at that location remains pending and (2) STA to relocate EchoStar 3 to 61.45° W.L. In addition, EchoStar is requesting authority to operate various transmit/receive earth stations to perform the testing and operations described in this application.

² See File No. SAT-LOA-20100310-00043, Call Sign S2811 (filed March 10, 2010) (“EchoStar 15 Application”).

I. PLANNED LAUNCH AND TESTING OPERATIONS

EchoStar 15 is scheduled to launch on July 10, 2010. Therefore, EchoStar requests action on this request by that date. EchoStar plans to maneuver the satellite directly to 61.55° W.L. and conduct its testing at that location. The testing will be conducted on a non-interference basis using the available frequencies not capable of being used by the EchoStar 3 and EchoStar 12 satellites, which are also located at the nominal 61.5° W.L. orbital location. Therefore, EchoStar expects the testing to include channel 23 at 61.5° W.L., which EchoStar is currently authorized to use under STA.³

II. 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 15 at 61.55° W.L. will not cause harmful interference to any other spacecraft or authorized user of the spectrum. Indeed, the only operating BSS satellites close to the 61.55° W.L. orbital location where EchoStar 15 will be tested and will operate are owned and operated by EchoStar. Consequently, EchoStar will easily be able to deal with any potential interference issues, to the extent there are any, created by the launch and testing of EchoStar 15 at 61.55° W.L. through self-coordination. In addition, EchoStar is not aware of any other BSS satellites planned to be brought into operation near 61.55° W.L.

³ See File No. SAT-STA-20100226-00037 (filed Feb. 26, 2010).

⁴ See, e.g., Newcomb Communications, Inc., *Order and Authorization*, 8 FCC Rcd. 3631, 3633 (1993); Columbia Communications Corp., *Order*, 11 FCC Rcd. 8639, 8640 (1996); American Telephone & Telegraph Co., *Order*, 8 FCC Rcd. 8742 (1993).

Second, launching and testing EchoStar 15 at 61.55° W.L. serves the public interest, as it will allow EchoStar to ensure that the satellite is fully operational before it begins service to the public, thereby avoiding any interruption in service that otherwise might be associated with spacecraft testing. Once testing is complete, the satellite can immediately begin DBS operations and fully serve the public.

III. SECTION 304 WAIVER

In accordance with Section 304 of the Communications Act of 1934, 47 U.S.C. § 304, EchoStar 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.

IV. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests the expeditious grant of a 60-day STA, commencing on or about July 10, 2010, to launch and test EchoStar 15 at 61.55° W.L. During in-orbit testing, EchoStar will operate the EchoStar 15 satellite subject to the following conditions:

- (a) EchoStar will coordinate its test operations with all potentially affected operating satellite networks.
- (b) During the test operations EchoStar 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, EchoStar will cease its test operations immediately. In addition, EchoStar will inform the Commission in writing that it has received such a notification.
- (d) EchoStar shall notify the Commission within seven days of the completion of in-orbit testing of EchoStar 15 that it has completed testing and commenced service.

Respectfully submitted,

EchoStar Corporation

Pantelis Michalopoulos
Christopher R. Bjornson
Step toe & Johnson LLP
1330 Connecticut Avenue N.W.
Washington, D.C. 20036
(202) 429-3000
Counsel for EchoStar Corporation

/s/
Alison Minea
Corporate Counsel
EchoStar Corporation
1110 Vermont Avenue NW, Suite 750
Washington, DC 20005
(202) 293-1216

June 15, 2010

STEPTOE & JOHNSON LLP
ATTORNEYS AT LAW

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July 8, 2010

FILED ELECTRONICALLY AND SENT VIA EMAIL

Ms. Andrea Kelly
Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: EchoStar Corporation, SAT-STA-20100615-00133, S2811

Dear Ms. Kelly:

In connection with the above-referenced application for Special Temporary Authority (“STA”), EchoStar Corporation (“EchoStar”), through undersigned counsel, writes to describe the continuing need for a partial grant of the requested STA notwithstanding the grant of its application for launch and operating authority of the EchoStar 15 satellite.

Subsequent to the filing of the above-referenced STA application, EchoStar was granted authority to construct, launch and operate the satellite.¹ The authorization gives EchoStar the authority to construct and launch EchoStar 15 with the capability of using all 32 DBS frequency channels at the nominal 61.5° W.L. orbital location, but does not grant EchoStar authority to operate the satellite on DBS channels 23 and 24 as those channels have not been permanently assigned to any DBS provider.² Consequently, while EchoStar has now been granted authority to launch and operate the satellite, it still needs, as requested, STA to test the satellite using channel 23.

¹ FCC File No. SAT-LOA-20100310-00043, S2811 (granted July 1, 2010).

² EchoStar has filed a separate STA application to operate EchoStar 15 over channels 23 and 24 consistent with its existing STA to operate over those channels. *See* FCC File No. SAT-LOA-20100615-00134, S2811 (filed June 15, 2010). That application remains pending with the Commission.

Ms. Andrea Kelly
July 8, 2010
Page 2

Please let us know if you have any questions.

Sincerely,

/s/

Christopher Bjornson
Counsel for EchoStar Corporation

cc: Chip Fleming
Kathryn Medley
Stephen Duall
Mark Young

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ATTORNEYS AT LAW

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July 9, 2010

FILED ELECTRONICALLY AND SENT VIA EMAIL

Ms. Andrea Kelly
Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: EchoStar Corporation, SAT-STA-20100615-00133, S2811

Dear Ms. Kelly:

EchoStar Corporation (“EchoStar”), through undersigned counsel, requests that its above-referenced application for Special Temporary Authority (“STA”), which will allow EchoStar to test the EchoStar 15 satellite using channel 23, be granted for a period of 30 days rather than the 60 days originally requested. Grant for the 30-day period will be sufficient to facilitate coordination with the upcoming launch of the EchoStar 15 satellite. Please let us know if you have any questions.

Sincerely,

/s/

Christopher Bjornson
Counsel for EchoStar Corporation

cc: Chip Fleming
Kathryn Medley
Stephen Duall
Mark Young