

File # SAT- STA- 2010 0830- 00184

Call Sign S2811 Grant Date 10/21/10

(or other identifier) Term Dates 180 days period of

From 10/18/10 To: 180 days

Approved by OMB  
3060-0678

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

Date & Time Filed: Aug 30 2010 2:48:52:376PM  
File Number: SAT-STA-20100830-00184  
Callsign:



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:  
Renewal of Special Temporary Authority to Operate EchoStar 15 on Channels 23 and 24 at 61.55 W.L.

1. Applicant

<b>Name:</b>	EchoStar Corporation	<b>Phone Number:</b>	303-723-1000
<b>DBA Name:</b>		<b>Fax Number:</b>	
<b>Street:</b>	100 Inverness Terrace East	<b>E-Mail:</b>	
<b>City:</b>	Englewood	<b>State:</b>	CO
<b>Country:</b>	USA	<b>Zipcode:</b>	80112 -
<b>Attention:</b>			

Attachment to Grant  
EchoStar Corporation  
IBFS File No. SAT-STA-20100830-00184, Call Sign S2811  
October 21, 2010

EchoStar Corporation is granted special temporary authority to continue operating the EchoStar 15 space station (Call Sign S2811) at the 61.55° W.L. orbital location for a period of 180 days commencing on October 18, 2010. Operations pursuant to this authorization shall be in accordance with conditions imposed as part of EchoStar Corporation's authorization to operate EchoStar 15 at this orbital location, granted on August 18, 2010. IBFS File No. SAT-STA-20100615-00134; *see* EchoStar Corporation, Application for Special Temporary Authority to Operate the EchoStar 15 Satellite on Channels 23 and 24 at the 61.55° W.L. Orbital Location, *Order and Authorization*, DA 10-1553 (rel. Aug. 18, 2010).

 <b>GRANTED*</b> International Bureau *with conditions	<b>File #</b> <u>SAT-STA-20100830-00184</u>
	<b>Call Sign</b> <u>S2811</u> <b>Grant Date</b> <u>10/21/10</u> (or other identifier)
	<b>Term Dates</b> period of <b>From</b> <u>10/18/10</u> <b>To:</b> <u>180 days</u>
	<b>Approved:</b> <u>Stephen J. Duall</u> Stephen J. Duall Chief, Satellite Policy Branch

<b>2. Contact</b>	
<b>Name:</b> Pantelis Michalopoulos	<b>Phone Number:</b> (202) 429-6494
<b>Company:</b> Steptoe & Johnson LLP	<b>Fax Number:</b>
<b>Street:</b> 1330 Connecticut Ave. NW	<b>E-Mail:</b> pmichalopoulos@steptoe.com
<b>City:</b> Washington	<b>State:</b> DC
<b>Country:</b> USA	<b>Zipcode:</b> 20036 -
<b>Attention:</b>	<b>Relationship:</b> 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 SATSTA2010061500134 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 checked="" type="radio"/> Extend Expiration Date
	<input type="radio"/> Other
6. Temporary Orbit Location	
7. Requested Extended Expiration Date	
	2011-03-16 00:00:00.0

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.)

EchoStar Corporation requests renewal of its special temporary authority to operate the EchoStar 15 satellite using Channels 23 and 24 at the 61.55 W.L. orbital location. 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  
Alison Minea

11. Title of Person Signing  
Corporate Counsel

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).

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

	)	
In the Matter of	)	
ECHOSTAR CORPORATION	)	File No. SAT-STA-20100615-00134
Request for Renewal of Special Temporary	)	File No. SAT-STA-2010 _____ - _____
Authority to Operate the EchoStar 15 Satellite	)	Call Sign S2811
Over Channels 23 and 24 at the 61.55° W.L.	)	
Orbital Location	)	
	)	

**REQUEST FOR RENEWAL OF SPECIAL TEMPORARY AUTHORITY**

EchoStar Corporation (“EchoStar”) requests renewal of its special temporary authority (“STA”) to operate its EchoStar 15 satellite on the Direct Broadcast Satellite (“DBS”) Channels 23 and 24 at the 61.55° W.L. orbital location for an additional 180 days.<sup>1</sup> The current STA expires on September 17, 2010.<sup>2</sup> For the reasons set forth below, grant of this renewal request will continue to serve the public interest.

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<sup>1</sup> See *EchoStar Corporation*, File No. SAT-STA-20100615-00134, Call Sign S2811, Order and Authorization, DA 10-1553 (rel. Aug. 18, 2010) (“*EchoStar 15 STA Order*”). EchoStar also currently holds an STA for the two channels on its EchoStar 12 satellite. See *EchoStar Satellite Operating Corporation, Application for 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 ¶ 5 (rel. Feb. 2, 2007) (“*61.5 STA Order*”); see also Stamp Grant, File No. SAT-STA-20100226-00037, at 2-3 (granted Apr. 6, 2010). With this application, EchoStar specifies to the Commission that it will be operating over Channels 23 and 24 from EchoStar 15.

<sup>2</sup> *EchoStar 15 STA Order* ¶ 10.

## I. BACKGROUND AND PROCEDURAL HISTORY

As EchoStar's predecessor-in-interest, EchoStar Satellite Operating Corporation ("ESOC") explained in the original STA request, DBS Channels 23 and 24 at the 61.5° W.L. orbital location have a "unique" history. In stark contrast to the vast majority of DBS spectrum, these channels have remained unassigned and unlicensed. In fact, these channels "are the only two remaining unassigned DBS channels in the 12 GHz band that are assigned to the United States that can provide service to most of the contiguous United States."<sup>3</sup>

The future of these unassigned channels is, however, also subject to the uncertainty surrounding the *Northpoint* decision that vacated the Commission's DBS auction rules, and the DBS freeze implemented by the Commission in response to that decision.<sup>4</sup> As a result, a new licensee will not be in a position to provide services from these channels for a number of years. In fact, while the Commission initiated a proceeding in 2006 to establish the mechanism by which these channels could be ultimately licensed and operated, that proceeding is still pending.<sup>5</sup>

In an effort to ensure that such valuable spectrum does not lie fallow, the Commission has provided STAs to DBS providers to operate on these channels for the past eleven years subject to different conditions. The Commission initially granted EchoStar's predecessor an

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<sup>3</sup> *Rainbow DBS Company, LLC and EchoStar Satellite L.L.C.*, Memorandum Opinion and Order, 20 FCC Rcd. 16868 ¶ 29 (2005) ("*Rainbow 1 Assignment Order*").

<sup>4</sup> *Northpoint Technology Ltd. v. FCC*, 412 F.3d 145 (D.C. Cir. 2005); Public Notice, *Direct Broadcast Satellite (DBS) Service Auction Nullified: Commission Sets Forth Refund Procedures for Auction No. 52 Winning Bidders and Adopts a Freeze on All New DBS Service Applications*, FCC 05-213 (rel. Dec. 21, 2005). The DBS freeze does not apply to "requests for special temporary authority." *Id.* at 2.

<sup>5</sup> See *Amendment of the Commission's Policies and Rules for Processing Applications in the Direct Broadcast Satellite Service in the United States*, Notice of Proposed Rulemaking, 21 FCC Rcd. 9443 (2006).

STA to operate on the unassigned channels as well as 8 channels assigned to Dominion Video Satellite, Inc. and the 11 channels assigned to Rainbow on March 21, 1998.<sup>6</sup> Rainbow subsequently operated on the unassigned channels for a two-year period,<sup>7</sup> before ESOC acquired the Rainbow 1 satellite and regained authority in 2005.<sup>8</sup> On January 1, 2008, ESOC assigned the STA to EchoStar as part of a *pro forma* corporate reorganization under which ESOC's parent, EchoStar Communications Corporation, spun off its wholly-owned subsidiary, EchoStar.<sup>9</sup> The Commission has highlighted repeatedly "the importance of ensuring that spectrum can continue to serve the public rather than lying fallow unnecessarily, even on a temporary basis."<sup>10</sup> During the past eleven years, the flexibility provided by this much-needed capacity has proven instrumental to DBS providers.

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<sup>6</sup> See *In the Matter of Direct Broadcasting Satellite Corporation, Application for Special Temporary Authority to Operate a Direct Broadcast Satellite Over Channels 1-21 (odd) and 23-32 (odd and even) at 61.5° W.L.*, Memorandum Opinion and Order, 13 FCC Rcd. 6392 (1998) ("*EchoStar 1998 STA Grant*"). For a full description of the regulatory history of these channels, see File No. SAT-STA-20090821-00092, Narrative at n.4 (filed Aug. 21, 2009).

<sup>7</sup> Rainbow DBS Company, LLC, received the STA to operate on the unassigned channels in 2003. *EchoStar Satellite Corporation and Rainbow DBS Company LLC*, Order and Authorization, 18 FCC Rcd. 19825 (2003) ("*Rainbow STA Order*").

<sup>8</sup> The Rainbow STA was assigned to EchoStar Satellite L.L.C. ("ESLLC") in October 2005 as part of the sale of the Rainbow 1 satellite to EchoStar. See *EchoStar Satellite L.L.C.*, File No. SAT-STA-20050930-00183 (granted Sept. 30, 2005); see also *Rainbow 1 Assignment Order*. The STA was then assigned from ESLLC to EchoStar Satellite Operating Corporation ("ESOC") in September 2006. See *Application for Pro Forma Assignment of Licenses from EchoStar Satellite L.L.C. to EchoStar Satellite Operating Corporation*, File No. SAT-ASG-20051129-00256 (granted Sep. 13, 2006).

<sup>9</sup> See Public Notice, DA 07-4655 (rel. Nov. 16, 2007) (consenting to the transfer of several authorizations as part of the spin-off).

<sup>10</sup> *Rainbow STA Order* ¶ 8; see also *EchoStar 1998 STA Grant* ¶ 7 ("furthering the Commission's objective to make efficient use of available spectrum").



On April 6, 2010, the Bureau renewed EchoStar's STA to operate DBS service from its EchoStar 12 satellite over Channels 23 and 24 at the 61.5° W.L. orbital location for a period of 180 days. That STA expires on September 24, 2010.<sup>11</sup> In addition, on August 18, 2010, the Bureau granted EchoStar STA for 30 days to operate on channels 23 and 24 for its recently launched DBS satellite, EchoStar 15, which replaced the EchoStar 3 satellite at the 61.55° W.L. orbital location.<sup>12</sup> With this application, EchoStar requests renewal of the EchoStar 15 STA. EchoStar will not seek renewal of the EchoStar 12 STA unless needed for some unforeseen event, such as a technical failure.

## **II. GRANT OF A RENEWAL STA WOULD CONTINUE TO SERVE THE PUBLIC INTEREST**

On July 10, 2010, EchoStar successfully launched EchoStar 15, a 32-transponder-capable DBS satellite that, in light of the loss of AMC-14, will effectively replace EchoStar 3 at 61.5° W.L.<sup>13</sup> The satellite became fully operational on August 5, 2010.<sup>14</sup> EchoStar is currently transmitting on Channels 23 and 24 from the EchoStar 15 satellite pursuant to its STA.<sup>15</sup> In the event of a technical failure on EchoStar 15, EchoStar intends to apply for a renewal STA for the EchoStar 12 satellite to provide continuous service to its customer on the two channels.

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<sup>11</sup> See *61.5 STA Order* ¶ 5; see also Stamp Grant, File No. SAT-STA-20100226-00037, at 2-3 (granted Apr. 6, 2010).

<sup>12</sup> *EchoStar 15 STA Order* ¶ 1.

<sup>13</sup> *EchoStar Corporation*, Order and Authorization, DA 10-1553 (rel. Aug. 18, 2010).

<sup>14</sup> See Letter from Christopher R. Bjornson, Counsel for DISH Operating L.L.C., Steptoe & Johnson LLP to Robert Nelson, Chief, Satellite Division, International Bureau, Federal Communications Commission (dated Aug. 6, 2010), *filed in* File No. SAT-LOA-20100310-00043.

<sup>15</sup> *EchoStar 15 STA Order* ¶ 1.

As explained in the original EchoStar 15 STA application, which is hereby incorporated by reference, the “CONUS-plus” capability of EchoStar 15 increases the capacity of EchoStar’s customer, DISH Network Corporation (“DISH”), to provide High Definition programming to subscribers, and its advanced spot-beam technology will enhance DISH’s ability to provide local-into-local stations across the country.<sup>16</sup> The requested STA will continue to ensure improved services available to its customers. EchoStar agrees to comply with the conditions set forth in the STA Order.<sup>17</sup>

### III. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests that the Commission renew its STA to operate the EchoStar 15 satellite at the 61.55° W.L. orbital location on Channels 23 and 24 for an additional 180 days.

Respectfully submitted,

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/s/

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August 30, 2010

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<sup>16</sup> See File No. SAT-STA-20100615-00134, Narrative at 2 (filed June 15, 2010).

<sup>17</sup> *EchoStar 15 STA Order* ¶¶ 9-17.