

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

In the Matter of)	
)	
ECHOSTAR CORPORATION)	File No. SAT-STA-20100615-00134
)	File No. SAT-STA-20100917-00193
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 30 days.¹ The current STA expires on October 15, 2010.² For the reasons set forth below, grant of this renewal request will continue to serve the public interest.

¹ 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*”); Stamp Grant, File No. SAT-STA-20100917-00193 (granted Sept. 20, 2010). 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, and as explained in the EchoStar 15 STA application, which is hereby incorporated by reference, EchoStar specifies to the Commission that it will be operating over Channels 23 and 24 from EchoStar 15. See File No. SAT-STA-20100615-00134 (granted Aug. 18, 2010).

² Stamp Grant, File No. SAT-STA-20100917-00193 at 2 (granted Sept. 20, 2010).

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."³

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.⁴ 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 ultimately be licensed and operated, that proceeding is still pending.⁵

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 STA to

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

⁴ *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.

⁵ 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).

operate on the unassigned channels, as well as the 8 channels assigned to Dominion Video Satellite, Inc., and the 11 channels assigned to Rainbow DBS Company, LLC (“Rainbow”) on March 21, 1998.⁶ Rainbow subsequently operated on the unassigned channels for a two-year period,⁷ before ESOC acquired the Rainbow 1 satellite and regained authority in 2005.⁸ On January 1, 2008, ESOC assigned its 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.⁹ 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.”¹⁰ During the past eleven years, the flexibility provided by this much-needed capacity has proven instrumental to DBS providers.

⁶ 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).

⁷ 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*”).

⁸ 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).

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

¹⁰ *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, 2010.¹¹ 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.¹² The Bureau renewed that STA on September 20, 2010,¹³ and EchoStar again seeks renewal of its STA while EchoStar's request for a 180-day extension remains pending on Public Notice.¹⁴

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.¹⁵ The satellite became fully operational on August 5, 2010.¹⁶ EchoStar is currently transmitting on Channels 23 and 24 from the EchoStar 15 satellite pursuant to its STA.¹⁷ In the event of a technical failure on EchoStar 15, EchoStar intends to apply for a renewal of its STA

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

¹² *EchoStar 15 STA Order* ¶ 1.

¹³ Stamp Grant, File No. SAT-STA-20100917-00193 at 2 (granted Sept. 20, 2010).

¹⁴ See File No. SAT-STA-20100830-00184 (filed Aug. 30, 2010); Public Notice, Policy Branch Information: Satellite Space Applications Accepted for Filing (Sept. 10, 2010).

¹⁵ EchoStar Corporation, *Order and Authorization*, DA 10-1553 (rel. Aug. 18, 2010).

¹⁶ See Letter from Christopher R. Bjornson, Counsel for DISH Operating L.L.C. to Robert Nelson, Chief, Satellite Division, IB, FCC (dated Aug. 6, 2010), *filed in* File No. SAT-LOA-20100310-00043.

¹⁷ *EchoStar 15 STA Order* ¶ 1.

for the EchoStar 12 satellite to provide continuous service to its customer, DISH Network Corporation (“DISH”), on the two channels.

EchoStar will continue to operate EchoStar 15 in accordance with the conditions set forth in the *EchoStar 15 STA Order*.¹⁸

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 30 days.

Respectfully submitted,

/s/

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¹⁸ *EchoStar 15 STA Order* ¶¶ 9-17.