

File # SAT-STA-20110204-00024

Call Sign S2740 Grant Date 03/17/11

(or other identifier) Term Dates Period of 180 days

From 03/10/11 To:

Approved:

Stephen J. Duall

Stephen J. Duall

Chief, Satellite Policy Branch

Approved by OMB
3060-0678



Date & Time Filed: Feb 4 2011 1:47:47:433PM
File Number: SAT-STA-20110204-00024
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 7 at 118.8 W.L.


1. Applicant

Name:	DISH Operating L.L.C.	Phone Number:	202-293-0981
DBA Name:		Fax Number:	
Street:	9601 South Meridian Boulevard	E-Mail:	
City:	Englewood	State:	CO
Country:	USA	Zipcode:	80112 -
Attention:	Alison Minea		

Attachment to Grant
DISH Operating L.L.C.
IBFS File No. SAT-STA-20110204-00024
Call Sign S2740

The application of DISH Operating L.L.C. (DISH), IBFS File No. SAT-STA-20110204-00024, for special temporary authority to operate the EchoStar 7 space station (Call Sign S2740) at the 118.8° W.L. orbital location for a period of 180 days, commencing March 10, 2011, using its previously authorized Direct Broadcast Satellite (DBS) channels 1-21 is GRANTED. This authorization is granted in accordance with the technical specifications set forth in the application, its initial authorization (IBFS File Nos. SAT-A/O-20010810-00073, SAT-MOD-20010810-00071),¹ the Commission's rules, and the following conditions:

1. While at the 118.8° W.L. orbital location, DISH shall maintain the EchoStar 7 spacecraft with and east/west longitudinal station-keeping tolerance of +/- 0.05 degrees.
2. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at DISH's own risk.
3. Grant of this authorization is without prejudice to any determination the Commission may make regarding permanent operations of the EchoStar 7 space station at the 118.8° W.L. orbital location in IBFS File Nos. SAT-MOD-20100329-00058 and SAT-AMD-20100610-00127.
4. DISH 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.
5. 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.

 GRANTED* International Bureau * with conditions	File # <u>SAT-STA-20110204-00024</u>
	Call Sign <u>S2740</u> Grant Date <u>03/17/11</u>
	(or other identifier)
	Term Dates From <u>03/10/11</u> To <u>Period of 180 days</u>
	Approved: <u>Stephen J. Duall</u> Stephen J. Duall Chief, Satellite Policy Branch

¹ Granted in EchoStar Satellite Corporation, *Order and Authorization*, 17 FCC Rcd 894 (Sat. & Rad. Div., Int'l Bur. 2002).

2. Contact	
Name:	Pantelis Michalopoulos
Company:	Stephoe & Johnson LLP
Street:	1330 Connecticut Ave. NW
Phone Number:	(202) 429-6494
Fax Number:	
E-Mail:	pmichalopoulos@stephoe.com
City:	Washington
State:	DC
Country:	USA
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 SATSTA2010082400183 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 118.8 W.L.	
7. Requested Extended Expiration Date 2011-09-05 00:00:00.0	

<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>DISH Operating L.L.C. seeks special temporary authority to operate the EchoStar 7 satellite at 118.8 W.L. See attached narrative.</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"; 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: Narrative</td> <td style="width: 50%;">Attachment 2:</td> </tr> <tr> <td></td> <td>Attachment 3:</td> </tr> </table>		Attachment 1: Narrative	Attachment 2:		Attachment 3:
Attachment 1: Narrative	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)	Call Sign S2740
)	
DISH OPERATING L.L.C.)	File No. SAT-STA-20100219-00031
)	File No. SAT-STA-20100824-00183
Request for Renewal of Special Temporary Authority to Operate EchoStar 7 at 118.8° W.L.)	File No. SAT-STA-20110204-_____
)	
)	

REQUEST FOR RENEWAL OF SPECIAL TEMPORARY AUTHORITY

By this application, DISH Operating L.L.C. (“DISH”) respectfully requests renewal of its Special Temporary Authority (“STA”) to operate the EchoStar 7 satellite at 118.8° W.L. within the 119° W.L. Direct Broadcast Satellite (“DBS”) orbital cluster¹ for an additional 180 days. The current authority expires on March 9, 2011.² DISH requested authority to move EchoStar 7 to, and operate the satellite at, 118.8° W.L. in order to accommodate the EchoStar 14 satellite.³

¹ Specifically, EchoStar 7 will continue to be handled in a station keeping box of $\pm 0.05^\circ$ center on 118.8° W.L. The 118.8° W.L. spot is allotted to the United States under the International Radio Regulations. As further explained in DISH’s Opposition to Petition to Dismiss or Deny, which is hereby incorporated by reference, DBS licensees have consistently been afforded significant flexibility to relocate their satellites within the DBS cluster. DISH Operating L.L.C., File No. SAT-MOD-20100329-00058, Opposition to Petition of Spectrum Five LLC to Dismiss or Deny, at 3-5 (filed May 27, 2010).

² See Stamp Grant, File No. SAT-STA-20100824-00183 (granted Oct. 14, 2010).

³ See File Nos. SAT-MOD-20100329-00058 (filed Mar. 29, 2010); SAT-AMD-20100610-00127 (filed June 10, 2010) (“Amendment Application”). Spectrum Five LLC filed Petitions to Dismiss or Deny both the original modification application and the subsequent amendment. See Spectrum Five LLC, File No. SAT-MOD-20100329-0058, Petition to Dismiss or Deny (filed May 17, 2010); see also Spectrum Five LLC, File No. SAT-AMD-20100610-00127, Petition to Dismiss or Deny (filed Aug. 2, 2010). The response periods for these two proceedings have closed.

The latter satellite, launched on May 27, 2010, has increased the quality of service and the amount of programming available from the 119° W.L. cluster.⁴

For the reasons set forth below, the continued operation of EchoStar 7 at 118.8° W.L. will not cause harmful interference to any authorized user of the spectrum, and would be in the public interest. Accordingly, the Commission should grant the requested renewal STA.

I. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

The Commission has a long-standing policy of granting STA where such authorization will not cause harmful interference and will serve the public interest, convenience, and necessity.⁵ The continued operation of EchoStar 7 at 118.8° W.L. will not cause harmful operational or physical interference to any other U.S.-licensed satellite operator, and will serve the public interest.

DISH notes that the destination slot for this minor move is allotted to the United States under the International Radio Regulations; it is the eastern boundary of the 119° W.L. cluster. The closest operational BSS satellite to EchoStar 7's proposed location (except other DISH satellites) is DIRECTV 7S, which is operating at 119.05° W.L. Because EchoStar 7 is now operating farther away from this satellite, its continued operation at 118.8° W.L. will not cause any additional interference to DIRECTV 7S. Indeed, if anything, it will decrease the risk of interference. DISH has a long history of coordinating with DIRECTV at the nominal 119° W.L. orbital slot, and believes that, to the extent coordination is required, it will be achieved.

⁴ See Letter from Petra A. Vorwig, Counsel for DISH Operating L.L.C., to Marlene H. Dortch, Secretary, FCC, File Nos. SAT-LOA-20090518-00053, SAT-AMD-20090604-00064, SAT-MOD-20100212-00027 (June 3, 2010).

⁵ See e.g., *Newcomb Communs., Inc.*, 8 FCC Rcd. 3631, 3633 (1993); *Columbia Comms. Corp.*, 11 FCC Rcd. 8639, 8640 (1996); *Am. Tel. & Tel. Co.*, 8 FCC Rcd. 8742 (1993).

For the same reason, the continued operation does not create any additional risk of physical collision. As DISH demonstrated in the orbital debris mitigation plan that it submitted in its Amendment Application in response to a request from the Bureau, the satellite has been manufactured to minimize the risk of becoming a source of debris in the event of a collision.⁶ DISH has also indicated that it will be able to physically coordinate with Spectrum Five LLC in the event its pending application for a 17/24 GHz Broadcasting-Satellite Service satellite is granted and the satellite is launched.⁷ As for the physical proximity of the satellite to Anik F3, which is located at 118.7° W.L., DISH will continue to coordinate the stationkeeping of EchoStar 7 with Anik F3's operator, Telesat Canada. DISH has engaged in coordination with Telesat in the past (indeed it uses the Anik F3 Ku-band payload), and anticipates that coordination will continue to be achieved in this case.

The public interest is served since EchoStar 7's continued operations at 118.8° W.L. will better accommodate EchoStar 14 at 118.9° W.L. In addition, renewal of the STA will avoid disruption to consumers now receiving service from the satellite. DISH accordingly seeks authority to maintain EchoStar 7 at the 118.8° W.L. orbital location subject to the conditions set forth in the grant.⁸

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.

⁶ Amendment Application, Attachment A.

⁷ *Id.* at 4.

⁸ *See* Stamp Grant, File No. SAT-STA-20100824-00183 (granted Oct. 14, 2010).

III. CONCLUSION

For the foregoing reasons, DISH respectfully requests renewal of its special temporary authority to operate EchoStar 7 at 118.8° W.L.

Respectfully submitted,

/s/

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February 4, 2011