

S2811 SAT-STA-20110303-00048 IB2011000670
EchoStar Corporation
EchoStar 15

Date & Time Filed: Mar 3 2011 5:44:26:903PM
File Number: SAT-STA-20110303-00048
Callsign:

Approved by OMB
3060-0678

File # SAT-STA-20110303-00048
Call Sign S2811 Grant Date 04/19/11
(or other identifier)
Term Dates Period of
From 04/16/11 To: 180 days
Approved: *Stephen J. Duall*
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:
Renewal of Special Temporary Authority to Operate EchoStar 15 Over Channels 23 and 24 at 61.55 W.L.

I. Applicant

| | | | |
|------------|----------------------------|---------------|--------------|
| Name: | EchoStar Corporation | Phone Number: | 202-293-0981 |
| DBA Name: | | Fax Number: | |
| Street: | 100 Inverness Terrace East | E-Mail: | |
| City: | Englewood | State: | CO |
| Country: | USA | Zipcode: | 80112 - |
| Attention: | Alison Minea | | |

Attachment to Grant
EchoStar Corporation
IBFS File No. SAT-STA-20110303-00048, Call Sign S2811
April 19, 2011

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 April 16, 2011. 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).



*with conditions

File # SAT-STA-20110303-00048
Call Sign S2811 Grant Date 04/19/11
(or other identifier)
Term Dates period of
From 04/16/11 To: 180 days
Approved: _____

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

| | |
|---|---|
| 2. Contact | |
| Name: Pantelis Michalopoulos | Phone Number: (202) 429-6494 |
| Company: Steptoe & Johnson LLP | Fax Number: |
| 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 SATSTA2010083000184 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 | |
| 2011-10-13 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.) | |
| <p>EchoStar Corporation seeks a renewal of its special temporary authority to operate the EchoStar 15 satellite over Channels 23 and 24 at the 61.55 W.L. orbital location. See attached narrative.</p> | |
| <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> | |
| 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: |
| <p>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> | |

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 |) | |
| |) | |
| ECHOSTAR CORPORATION |) | File No. SAT-STA-20100615-00134 |
| |) | File No. SAT-STA-20100830-00184 |
| 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”)¹ 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.² The current STA expires on April 15, 2011.³ For the reasons set forth below, grant of this renewal request will continue to serve the public interest.

¹ On February 24, 2011, EchoStar filed an application, which remains pending, requesting consent to the *pro forma* assignment of its authorization to operate the EchoStar 15 satellite (Call Sign S2811) and the special temporary authority to operate the satellite over Channels 23 and 24 at 61.5° W.L. to the recently formed EchoStar Satellite Operating Corporation. *See* File No. SAT-ASG-20110224-00033 (filed Feb. 24, 2011). EchoStar requests that, in the event this STA request is granted prior to consummation of the *pro forma* assignment, that EchoStar be authorized to assign any authority granted in response to this request on a *pro forma* basis to EchoStar Satellite Operating Corporation.

² *See* Stamp Grant, File No. SAT-STA-20100830-00184 (granted Oct. 21, 2010); 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*, 25 FCC Rcd. 10980 (2010) (“*EchoStar 15 STA Order*”).

³ *See* Stamp Grant, File No. SAT-STA-20100830-00184 (granted Oct. 21, 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."⁴

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.⁵ 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.⁶

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 nearly thirteen years subject to different conditions. The Commission initially granted EchoStar's predecessor an

⁴ Rainbow DBS Company, LLC and EchoStar Satellite L.L.C., *Memorandum Opinion and Order*, 20 FCC Rcd. 16868 ¶ 29 (2005) ("*Rainbow 1 Assignment Order*").

⁵ *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.

⁶ 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, 1998.⁷ Rainbow subsequently operated on the unassigned channels for a two-year period⁸ before ESOC acquired the Rainbow 1 satellite and regained authority in 2005.⁹ 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.¹⁰ 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."¹¹ During the past thirteen years, the flexibility provided by this much-needed capacity has proven instrumental to DBS providers.

⁷ See 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 (granted Dec. 1, 2009).

⁸ Rainbow DBS Company, LLC received 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*").

⁹ 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 Stamp Grant, File No. SAT-STA-20050926-00183 (granted Sept. 30, 2005); see also *Rainbow 1 Assignment Order*. The STA was then assigned from ESLLC to 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).

¹⁰ See Public Notice, Policy Branch Information Actions Taken, DA 07-4655 (rel. Nov. 16, 2007) (consenting to the transfer of several authorizations as part of the spin-off).

¹¹ *Rainbow STA Order* ¶ 8; see also *EchoStar 1998 STA Grant* ¶ 7 ("furthering the Commission's objective to make efficient use of available spectrum").

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 On October 21, 2010, the Bureau renewed EchoStar's STA authority to operate EchoStar 15 on Channels 23 and 24, which expires on April 16, 2011.¹³ With this application, EchoStar again requests renewal of its STA.

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. The satellite became fully operational on August 5, 2010.¹⁴ EchoStar is currently transmitting on Channels 23 and 24 from the EchoStar 15 satellite pursuant to its STA.¹⁵ 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.

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 L.L.C. ("DISH"), to provide High-Definition programming to subscribers, and its advanced spot-beam technology will enhance DISH's ability to provide

¹² *EchoStar 15 STA Order* ¶ 1.

¹³ *See* Stamp Grant, File No. SAT-STA-20100830-00184 (granted Oct. 21, 2010).

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

¹⁵ *See* Stamp Grant, File No. SAT-STA-20100830-00184 (granted Oct. 21, 2010).

local-into-local stations across the country.¹⁶ The requested STA will continue to ensure improved services are available to its customers. EchoStar agrees to comply with the conditions set forth in the *EchoStar 15 STA Order*.¹⁷

III. WAIVER PURSUANT TO SECTION 304 OF THE ACT

In accordance with Section 304 of the Communications Act of 1934, as amended, 47 U.S.C. § 304, EchoStar hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

IV. 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,

/s/

Pantelis Michalopoulos
Petra A. Vorwig
L. Lisa Sandoval
Stephoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, D.C. 20036
(202) 429-3000

Counsel for EchoStar Corporation

March 3, 2011

Alison Minea
Corporate Counsel
EchoStar Corporation
1110 Vermont Avenue, NW, Suite 750
Washington, D.C. 20005
(202) 293-0981

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

¹⁷ *EchoStar 15 STA Order* ¶¶ 9-17.