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

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In the Matter of)
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ECHOSTAR SATELLITE OPERATING) File No. SAT-STA-2011
CORPORATION) Call Sign S2741
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Application for Special Temporary Authority)
to Operate EchoStar 3 as an)
In-Orbit Spare at 61.45° W.L.)
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APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

EchoStar Satellite Operating Corporation ("ESOC") hereby requests special temporary authority ("STA") to operate the EchoStar 3 satellite at 61.45° W.L. as an in-orbit spare for the remainder of the STA period granted to ESOC's parent, EchoStar Corporation ("EchoStar") – i.e., until November 3, 2011.¹ EchoStar received authority to assign the EchoStar 3 satellite and all associated authorizations to ESOC on a *pro forma* basis on April 21, 2011, and has consummated the transaction.²

¹ See Stamp Grant, File No. SAT-STA-20110225-00038 (granted Apr. 7, 2011).

² See File No. SAT-ASG-20110224-00033 (granted Apr. 21, 2011). As noted in EchoStar Corporation's application for *pro forma* assignment of the satellite, it received the approval of its board of directors to assign its space station and earth station facilities upon Commission consent. See File No. SAT-ASG-20110224-00033, Narrative at 2 (filed Feb. 24, 2011). EchoStar filed a notice of consummation of the *pro forma* transaction on May 23, 2011. See Letter from Pantelis Michalopoulos, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC (May 23, 2011), *filed in* File Nos. SAT-ASG-20110224-00033, SAT-ASG-20110224-00034, SAT-ASG-20110224-00035.

As the Commission is aware, on July 10, 2010, EchoStar successfully launched EchoStar 15, a 32-transponder Direct Broadcast Satellite ("DBS") that, in light of the loss of AMC-14, is effectively replacing EchoStar 3. EchoStar 15 became fully operational on August 5, 2010. To accommodate testing and operation of EchoStar 15 at 61.55° W.L., and the concurrent and efficient operation of EchoStar's other satellites at the nominal 61.5° W.L. orbital location, the EchoStar 3 satellite was moved to 61.45° W.L. EchoStar 3, along with EchoStar 12, will supplement service provided by EchoStar 15, as needed, to maintain regular programming. The continued operation of EchoStar 3 ensures that ESOC's customer, DISH Network L.L.C., will be able to continue providing DBS service to consumers without any service interruptions.

I. THIS REQUEST IS IN THE PUBLIC INTEREST AND WILL NOT CAUSE HARMFUL INTERFERENCE

For the same reason EchoStar was granted STA to operate EchoStar 3 as an in-orbit spare, so too is this request in the public interest. Grant of this application will ensure safe station-keeping margins for each of the satellites that are located at the nominal 61.5° W.L. orbital location. It also will not cause harmful interference, because EchoStar 3 has moved 0.05 degrees to the east, farther away from the nearest non-EchoStar DBS satellite, DIRECTV 1R, which is operating at 72.5° W.L. Furthermore, while EchoStar 3 is operating at 61.45° W.L., it will continue to abide by the conditions set forth in EchoStar's grant.⁵

³ See Letter from Pantelis Michalopoulos, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC (Dec. 30, 2008), *filed in* File No. SAT-STA-20080923-00193).

⁴ See Stamp Grant, File No. SAT-LOA-20100310-00043 (granted July 1, 2010).

⁵ See Stamp Grant, File No. SAT-STA-20110225-00038 (granted Apr. 7, 2011).

ESOC notes that, although EchoStar 3 is currently in a storage configuration and not broadcasting to Earth, in the event of a technical failure of another satellite, ESOC may bring EchoStar 3 back into use. This will ensure that there is no interruption of DBS service to consumers.

II. 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, ESOC hereby waives any claim to the use of any particular frequency or use 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.

III. CONCLUSION

For the foregoing reasons, ESOC respectfully requests the grant of its application for special temporary authority to operate EchoStar 3 at 61.45° W.L. for the period remaining on EchoStar's STA grant – i.e., until November 3, 2011.

Respectfully submitted,

/s/

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