

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

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In the Matter of	)	
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<b>ECHOSTAR SATELLITE OPERATING</b>	)	File No. SAT-STA-2011_____
<b>CORPORATION</b>	)	Call Sign S2232
	)	
Application for Special Temporary Authority to	)	
Operate EchoStar 6 at 76.95° W.L.	)	
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**APPLICATION FOR SPECIAL TEMPORARY AUTHORITY**

By this Application, and pursuant to Section 25.120(a)(3) of the Commission’s rules,<sup>1</sup> EchoStar Satellite Operating Corporation (“ESOC”) requests Special Temporary Authority (“STA”) to operate the EchoStar 6 satellite from the 76.95° W.L. orbital location for the remainder of the STA period granted to ESOC’s parent, EchoStar Corporation (“EchoStar”) – i.e., June 11, 2011.<sup>2</sup> On April 21, 2011, EchoStar received Commission consent to assign the satellite and all associated authorizations to ESOC on a *pro forma* basis, and has consummated the transaction.<sup>3</sup> ESOC requests that the Commission grant this STA to ensure there is no gap in ESOC’s ability to operate EchoStar 6.<sup>4</sup>

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<sup>1</sup> 47 C.F.R. § 25.120(a)(3).

<sup>2</sup> See Stamp Grant, File No. SAT-STA-20110401-00067 (granted Apr. 7, 2011).

<sup>3</sup> See File No. SAT-ASG-20110224-00033 (granted Apr. 21, 2011). EchoStar filed a notice of consummation of the *pro forma* transaction on May 23, 2011. See also, 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.

<sup>4</sup> As noted in EchoStar’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

EchoStar 6 arrived at the 76.95° W.L. orbital location on February 13, 2011, and began providing service on February 14, 2011. The relocation was prompted by a single event upset (“SEU”) that temporarily affected the EchoStar 8 satellite.<sup>5</sup> On March 14, 2011, EchoStar filed an application to transfer the satellite to QuetzSat, S. de R.L. de C.V. (“QuetzSat”), which will operate the satellite under Mexican authority from the 76.95° W.L. orbital location.<sup>6</sup> EchoStar also filed an application to modify its blanket earth station authorization to provide service from the Mexican-licensed EchoStar 6 satellite.<sup>7</sup> This request is necessary to allow the continued operation of EchoStar 6 while these applications remain pending.<sup>8</sup>

## I. BACKGROUND

The nominal 77° W.L. orbital location is allotted to Mexico under the Region 2 Broadcasting-Satellite Service plan set forth in Appendices 30 and 30A to the International Radio Regulations. In addition to the EchoStar 6 satellite, EchoStar currently operates three Direct Broadcast Satellite (“DBS”) service satellites at the nominal 77° W.L. orbital location

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Commission consent. *See* File No. SAT-ASG-20110224-00033, Narrative at 2 (filed Feb. 24, 2011).

<sup>5</sup> *See* Letter from Petra A. Vorwig, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC, filed in File No. SAT-T/C-20090217-00026 (Feb. 1, 2011).

<sup>6</sup> *See* File No. SAT-T/C-20110314-00054 (filed Mar. 14, 2011). The application was filed subject to EchoStar’s then pending *pro forma* assignment application.

<sup>7</sup> *See* File No. SES-MFS-20110314-00288 (filed Mar. 14, 2011) (“Blanket Earth Station Application”). That application also was filed subject to the proposed *pro forma* assignment of the earth station to ESOC’s sister company, EchoStar 77 Corporation. The *pro forma* assignment application filed for the blanket earth station remains pending. *See* File No. SES-ASG-20110228-00560 (filed Feb. 24, 2011).

<sup>8</sup> The Mexican concessionaire for the 77° W.L. orbital location informed COFETEL of EchoStar 6’s relocation, and COFETEL “expressed no objection to placement of the Echo 6 satellite in the 77 W cluster.” *See* Letter from Ricardo Ríos Ferrer, Legal Representative, QuetzSat, S. de R.L. de C.V., to EchoStar Satellite Service LLC (Feb. 4, 2011), *filed in* File No. SAT-STA-20110207-00026, Attachment 2.

under Mexican authority issued to its partner, QuetzSat: EchoStar 1, EchoStar 4, and EchoStar 8. The satellites are used by EchoStar's customers, DISH Network L.L.C. ("DISH") and DISH Mexico, to provide DBS service in the United States and Mexico, respectively. The U.S. service includes local-into-local programming in a number of markets in the southern United States.

EchoStar 6, operating with EchoStar 1 and EchoStar 8 at 77° W.L., provides sufficient capacity to avoid service disruptions from that slot in the event any of the satellites experience a problem. EchoStar 1, a satellite launched in December 1995, has limited capability (only up to 16 transponders), and EchoStar 4, having reached the end of its design life, has been retired from commercial service.

## **II. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST**

For the same reasons EchoStar's request for STA was in the public interest, so too is this request in the public interest.<sup>9</sup> Specifically, it will continue to ensure the provision of DBS service to the United States, including the provision of local-into-local service in the southern United States, and ensure continuity of receipt of both national and local programming for the subscribers of ESOC's customer, DISH, by providing spare capacity at 77° W.L. in the event EchoStar 1 or EchoStar 8 suffers a problem.

The continued operation of EchoStar 6 at 76.95° W.L. also will not cause harmful interference to any other U.S.-licensed satellite operator. There is no DBS orbital location in the vicinity of 77° W.L. that is assigned to the United States (the closest U.S. location is 61.5° W.L.). There will likewise be no harmful interference from the operation of an additional satellite at 76.95° W.L. into Canada's DBS allotments at 72.5° W.L. and 82° W.L. There is an

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<sup>9</sup> See Stamp Grant, File No. SAT-STA-20110401-00067 (granted Apr. 7, 2011).

existing coordination agreement between Mexico and Canada regarding the Mexican 77° W.L. orbital location and the Canadian orbital locations 82° W.L. and 72.5° W.L. ESOC will operate EchoStar 6 within the specifications of this coordination agreement as well as the informal operator-to-operator arrangement it has established with DIRECTV to ensure compatibility among their satellites operating at 77° W.L. and 72.5° W.L., respectively. ESOC will also abide by the conditions imposed on the original grant held by EchoStar.<sup>10</sup>

Finally, the continued operation of the EchoStar 6 satellite at 76.95° W.L. will not create any risk of in-orbit collision. EchoStar 6 will be maintained within +/- 0.05° east/west station-keeping, which will ensure that its station-keeping volume will not overlap with ESOC's own satellites at 77° W.L.

### **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, ESOC 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, ESOC respectfully requests the grant of its application for special temporary authority to operate EchoStar 6 at the 76.95° W.L. orbital location for the remainder of the STA period granted to EchoStar – i.e., June 11, 2011.<sup>11</sup>

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<sup>10</sup> See Stamp Grant, File No. SAT-STA-20110207-00026 (granted Feb. 11, 2011).

<sup>11</sup> See Stamp Grant, File No. SAT-STA-20110401-00067 (granted Apr. 7, 2011).

Respectfully submitted,

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