

- Pro forma transfer of control only -

S2741 SAT-STA-20110525-00097 IB2011001495
EchoStar Satellite Operating Corporation
EchoStar 3

Date & Time Filed: May 25 2011 12:28:35:116PM
File Number: SAT-STA-20110525-00098
Callsign:

GRANTED*
International Bureau
* see attachment

File # SAT-STA-20110525-00098
Call Sign S2232 **Grant Date** 05/27/11
(or other identifier) **Term Dates**
From **To:** 06/11/11
Approved: *Stephen J. Duall*
Stephen J. Duall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678

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:
Special Temporary Authority to Operate EchoStar 6 at 76.95 W.L.

1. Applicant

Name: EchoStar Satellite Operating 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
IBFS File No. SAT-STA-20110525-00098

Grant of this Special Temporary Authority authorizes the pro forma change of the authorization holder due to a pro forma corporate restructuring only and does not change the other terms of the related and pre-existing STA grant (IBFS File No. SAT-STA-20110401-00067).

2. Contact			
Name:	Pantelis Michalopoulos	Phone Number:	(202) 429-6494
Company:	Step toe & Johnson LLP	Fax Number:	
Street:	1330 Connecticut Ave. NW	E-Mail:	pmichalopoulos@step toe.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 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 type="radio"/> Extend Expiration Date	
		<input checked="" type="radio"/> Other	
6. Temporary Orbit Location		7. Requested Extended Expiration Date	
76.95 W.L.			

<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>EchoStar Satellite Operating Corporation ('ESOC') requests Special Temporary Authority to operate the EchoStar 6 satellite at 76.95 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"; 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>					

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 SATELLITE OPERATING)	File No. SAT-STA-2011_____
CORPORATION)	Call Sign S2232
)	
Application for Special Temporary Authority to)	
Operate EchoStar 6 at 76.95° W.L.)	
_____)	

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

By this Application, and pursuant to Section 25.120(a)(3) of the Commission’s rules,¹ 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, 2011.² 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.³ ESOC requests that the Commission grant this STA to ensure there is no gap in ESOC’s ability to operate EchoStar 6.⁴

¹ 47 C.F.R. § 25.120(a)(3).

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

³ 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.

⁴ 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.⁵ 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.⁶ EchoStar also filed an application to modify its blanket earth station authorization to provide service from the Mexican-licensed EchoStar 6 satellite.⁷ This request is necessary to allow the continued operation of EchoStar 6 while these applications remain pending.⁸

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

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

⁵ *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).

⁶ *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.

⁷ *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).

⁸ 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.⁹ 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

⁹ 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.¹⁰

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, 2011.¹¹

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

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

Respectfully submitted,

Pantelis Michalopoulos
L. Lisa Sandoval
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, D.C. 20036
(202) 429-3000
*Counsel for EchoStar Satellite Operating
Corporation*

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

May 25, 2011