

S2741 SAT-STA-20111004-00195 IB2011004488
EchoStar Satellite Operating Corporation
EchoStar 3

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File Number: SAT-STA-20111004-00195
Callsign:

Approved by OMB
3060-0678

File # SAT-STA-20111004-00195

Call Sign S2741 Grant Date 11/16/11

(or other identifier) Term Dates period of 180 days

From 11/04/11 To:

Approved:

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



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 3 at 61.45 W.L. as an In-Orbit Spare


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:	Ms Alison Minea		-

Attachment to Grant
EchoStar Satellite Operating Corporation
Conditions of Authorization: SAT-STA-20111004-00195
Call Sign S2741
Grant Date: November 16, 2011

The application of EchoStar Satellite Operating Corporation (EchoStar) for special temporary authority, File No. SAT-STA-20111004-00195, IS GRANTED. Accordingly, EchoStar is authorized for 180 days, commencing November 4, 2011, to conduct telemetry, tracking, and control operations sufficient to maintain the EchoStar 3 space station (Call Sign S2741) as an in-orbit spare at the 61.45° W.L. orbital location. All operations of the EchoStar 3 space station must be in accordance with the technical specifications set forth in EchoStar's application, Federal Communications Commission (Commission) rules, and the conditions set forth below.

1. All operations at the 61.45° W.L. orbital location shall be on a non-harmful interference basis, meaning that EchoStar shall not cause interference to, and shall not claim protection from, interference caused to it by any other lawfully operating satellites. In the event of any harmful interference, EchoStar shall cease operations immediately upon notification of such interference, and shall inform the Commission, in writing, immediately of such an event.
2. EchoStar shall maintain the EchoStar 3 space station at the 61.45° W.L. orbital location with an east/west longitudinal station-keeping tolerance of ± 0.05 degrees.
3. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at EchoStar's own risk.
4. EchoStar is afforded 30 days from the date of the release of this action to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of this authorization as conditioned.
5. This grant is issued pursuant to 47 C.F.R. § 0.261 of the Commission's rules on delegated authority, and is effective immediately.

 GRANTED* International Bureau *with conditions	File # <u>SAT-STA-20111004-00195</u>
	Call Sign <u>S2741</u> Grant Date <u>11/16/11</u>
	(or other identifier)
	Term Dates <u>period of</u> From <u>11/04/11</u> To: <u>180 days</u>
	Approved: <u>Stephen J. Duall</u> Stephen J. Duall Chief, Satellite Policy Branch

2. Contact	
Name:	Pantelis Michalopoulos
Company:	Step toe & Johnson LLP
Street:	1330 Connecticut Ave., NW
Phone Number:	(202) 429-6494
Fax Number:	
E-Mail:	pmichalopoulos@steptoe.com
City:	Washington
State:	DC
Country:	USA
Zipcode:	20036 -
Attention:	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 SATSTA2011052500097 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	<input type="radio"/> Other
6. Temporary Orbit Location	
61.45 W.L.	7. Requested Extended Expiration Date
	2012-05-01 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>EchoStar Satellite Operating Corporation requests renewal of its Special Temporary Authority to operate the EchoStar 3 satellite at 61.45 W.L. as an in-orbit spare. 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>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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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

_____)
)
In the Matter of)

ECHOSTAR SATELLITE OPERATING)
CORPORATION)

File No. SAT-STA-20110525-00097

File No. SAT-STA-2011 _____

Call Sign S2741

Application to Renew Special Temporary)
Authority to Operate EchoStar 3 as an In-)
Orbit Spare at 61.45° W.L.)
_____)

APPLICATION TO RENEW SPECIAL TEMPORARY AUTHORITY

EchoStar Satellite Operating Corporation (“ESOC”) hereby requests renewal of its special temporary authority (“STA”) under Section 25.120(b) of the Commission’s rules¹ to operate the EchoStar 3 satellite at 61.45° W.L. as an in-orbit spare for an additional 180 days. The current STA expires on November 3, 2011.²

As the Commission is aware, on July 10, 2010, ESOC’s parent company, EchoStar Corporation (“EchoStar”), successfully launched EchoStar 15, a 32-transponder Direct Broadcast Satellite (“DBS”) that, in light of the loss of AMC-14,³ is effectively replacing EchoStar 3.⁴ 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

¹ 47 C.F.R. § 25.120(b).

² See Stamp Grant, File No. SAT-STA-20110525-00097 (granted May 27, 2011).

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

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

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 helps to ensure that ESOC's customer, DISH Network L.L.C., will be able to continue providing DBS service to consumers without any service interruptions.

On September 2, 2011, ESOC filed an application for STA to relocate EchoStar 3 to 68.5° W.L. and to operate the satellite at that orbital location,⁵ pending action on an application to transfer the licensing jurisdiction of the satellite from the United States to Gibraltar under authority held by SES Satellites (Gibraltar) Limited.⁶ Grant of ESOC's request to renew its STA to operate at 61.45° W.L. will allow EchoStar 3 to continue its operations as an in-orbit spare while its application to relocate 68.5° W.L. remains pending..

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,

⁵ See File No. SAT-STA-20110902-00170 (filed Sept. 2, 2011).

⁶ SES Gibraltar is authorized by the Gibraltar Regulatory Authority to utilize the DBS frequencies at 68.5° W.L. under a modification to the ITU Region 2 BSS and Feeder Link Plans submitted on behalf of Gibraltar by the United Kingdom. EchoStar's affiliate, EchoStar Broadcasting Corporation ("EBC"), also requested STA to permit its earth stations in Gilbert, AZ and Meade, SD to communicate with EchoStar 3 to perform telemetry, tracking and command to drift EchoStar 3 to 68.5° W.L. and maintain the satellite at that location. See File Nos. SES-STA-20110902-01026, SES-STA-20110902-01025 (filed Sept. 2 2011). EBC will submit applications to modify the earth station licenses to permit them to communicate with EchoStar 3 after its relocation.

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.⁷

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 renewal of its special temporary authority to operate EchoStar 3 at 61.45° W.L. as an in-orbit spare for an additional 180 days.

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

Respectfully submitted,

/s/

Alison Minea
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October 4, 2011