

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

In the Matter of)
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)
ECHOSTAR SATELLITE OPERATING)
CORPORATION)
) File No. SAT-STA-2012____-_____
Application for Special Temporary Authority) Call Sign S2844
to Launch and Test the EchoStar 16 Satellite)
at 67.1° W.L., and Subsequently to Move)
EchoStar 16 to 61.5° W.L.)
)

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

I. INTRODUCTION AND SUMMARY

EchoStar Satellite Operating Corporation (“ESOC”) respectfully requests 60-day Special Temporary Authority (“STA”), commencing on or about July 20, 2012, (1) to permit ESOC to raise its new Direct Broadcast Satellite (“DBS”), EchoStar 16, to the 67.1° W.L. orbital location; (2) to test the satellite at that location in the 12.2-12.7 and 17.3-17.8 GHz bands; and (3) upon completion of raising and testing operations, relocate EchoStar 16 to 61.5° W.L. ESOC has already filed an application to launch and operate the EchoStar 16 satellite at 61.5° W.L.¹ Concurrently with this application, ESOC’s affiliate, EchoStar Broadcasting Corporation (“EBC”), is requesting authority to operate various transmit/receive earth stations to perform the testing and operations described in this application.

Testing EchoStar 16 and conducting telemetry, tracking, and control (“TT&C”) operations during orbit raising and maneuvers at 67.1° W.L. and during its relocation to 61.5°

¹ See File No. SAT-LOA-20110902-00172, Call Sign S2844 (filed Sept. 2, 2011).

W.L. will ensure that EchoStar 16 is fully operational and ready to provide service once it arrives at 61.5° W.L. The proposed maneuvers and testing will not adversely affect the operations of any other spacecraft or other authorized spectrum users. EchoStar 16 is scheduled to launch around July 20, 2012, and ESOC requests action on this request by that date.

II. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

The Federal Communications Commission (“Commission”) has a long-standing policy of granting STA where such authorization will not cause harmful interference and will serve the public interest, convenience, and necessity.² The requested operations meet both of these tests. The Commission has also recognized the benefits to the public interest, convenience, and necessity of granting STA to allow in-orbit testing at locations different from those authorized, subject to coordination with neighboring satellites.³ Moreover, as the Commission has previously found, deployment of new DBS capacity serves the public interest, convenience, and necessity.⁴

Consistent with the Commission’s well-settled precedent, grant of this STA request will serve the public interest by ensuring that the new DBS satellite is fully operational before commencing service. Raising EchoStar 16 to 67.1° W.L., testing it at that location, and then relocating it to 61.5° W.L. will not cause harmful interference to any other spacecraft or

² See, e.g., Newcomb Communications, Inc., *Order and Authorization*, 8 FCC Rcd. 3631, 3633 (1993); Columbia Communications Corp., *Order*, 11 FCC Rcd. 8639, 8640 (1996); American Telephone & Telegraph Co., *Order*, 8 FCC Rcd. 8742 (1993).

³ See INTELSAT LLC, *Order and Authorization*, 16 FCC Rcd. 16208 ¶ 8 (2001) (“[A] grant of Special Temporary Authority to conduct in-orbit testing . . . at the 58.5° E.L. orbital location, instead of [the licensee’s] authorized 62° E.L. location, will serve the public interest. The Commission typically allows licensees to conduct in-orbit testing at orbit locations different from those authorized, subject to coordination with affected adjacent satellite operators”); see also EchoStar Satellite Corp., *Order and Authorization*, 15 FCC Rcd. 12609 (2000).

⁴ See, e.g., DIRECTV Enterprises, *Order and Authorization*, 14 FCC Rcd. 13159 (1999).

authorized user of the spectrum. Testing of EchoStar 16 at 67.1° W.L. has been coordinated and will follow guidelines to avoid interference with nearby DBS satellites. While the satellite is raised and moved to 67.1° W.L., and again while it is moved to 61.5° W.L., all transponders (other than the TT&C beacons) on the satellite will be turned off.

While the satellite is at 67.1° W.L., ESOC will ensure that operations do not cause harmful interference to any nearby satellite. ESOC controls EchoStar 3 at 61.45° W.L., EchoStar 12 at 61.35° W.L., and EchoStar 15 at 61.55° W.L., and ESOC will ensure that operations under this STA do not interfere with the operations of those satellites. Additionally, pursuant to an agreement between SES Latin America S.A. and SES S.A. (collectively, “SES”) and ESOC’s affiliate, QuetzSat, S. de R.L. de C.V., SES currently controls QuetzSat-1 at 67.1° W.L.; ESOC, however, expects that QuetzSat-1 will be moved from 67.1° W.L. before EchoStar 16 is launched this Summer.⁵ Finally, Nimiq 5 at 72.7° W.L., licensed to Telesat Canada Ltd., is the only other DBS satellite operating within six degrees of the testing location. The entire broadcast satellite service capacity of Nimiq 5 is leased to ESOC, and ESOC will ensure that operations under this STA do not interfere with Nimiq 5’s operations.

The requested STA also serves the public interest, as it will allow the EchoStar 16 satellite to be safely maneuvered to, and tested at, the 67.1° W.L. orbital location, and then again moved to its permanent home at 61.5° W.L. The in-orbit testing will ensure proper operation of the satellite prior to bringing the satellite into service, thereby minimizing the potential for future service interruptions. Upon its relocation to 61.5° W.L., EchoStar 16 will be available to provide DBS service to the public.

⁵ See File Nos. SES-STA-20111021-01250, SES-STA-20111021-01251, Call Signs E980005 and E070014 (filed Sept. 21, 2011).

III. OPERATING PARAMETERS

During the orbital raising of EchoStar 16 at 67.1° W.L. and during the move to 61.5° W.L., all transponders other than the TT&C transponders will be switched off, and ESOC will operate EchoStar 16 subject to the following conditions:

1. No harmful interference will be caused to any lawfully operating satellite network or radio communication system, and ESOC's operations will cease immediately upon notification of harmful interference. Furthermore, ESOC shall notify the Commission immediately, in writing, of any such event.
2. ESOC will accept interference from any lawfully operating satellite network or radio communication system.

In addition, during in-orbit testing, ESOC will operate EchoStar 16 subject to the following conditions:

1. ESOC will not cause harmful interference to, and will not claim protection from interference caused by, any other lawfully operating satellites or radiocommunications systems.
2. Upon notification of any harmful interference, ESOC will cease its test operations immediately. In addition, ESOC will inform the Commission in writing that it has received such a notification.

IV. SECTION 304 WAIVER

In accordance with Section 304 of the Communications Act of 1934, 47 U.S.C. § 304, ESOC hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum because of the previous use of the same, whether by license or otherwise.

V. CONCLUSION

For the foregoing reasons, ESOC respectfully requests the grant of a 60-day STA, commencing on or about July 20, 2012, to raise EchoStar 16 to 67.1° W.L. and to test it at that location, and then to relocate EchoStar 16 to 61.5° W.L.

Respectfully submitted,

/s/

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