

S2844 SAT-STA-20120315-00049 IB2012000803
EchoStar Satellite Operating Corporation
EchoStar 16



*with conditions

File # SAT-STA-20120315-00049

Call Sign 52844 Grant Date 10/23/12

(or other identifier)

see

Term Dates period of

From conditions

To: 60 days

Approved by OMB
3060-0678

Approved: Stephen J. Duall

Stephen J. Duall
Chief, Satellite Policy Branch

Date & Time Filed: Mar 15 2012 7:55:11:116PM
File Number: SAT-STA-20120315-00049
Callsign:

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:

EchoStar Satellite Operating Corporation seeks STA to launch and test EchoStar 16 at 67.1 W.L. and then move to 61.5 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:	Ms. Alison Minea		

EchoStar Satellite Operating Corporation
IBFS File No. SAT-STA-20120315-00049
Call Sign S2844

The application of EchoStar Satellite Operating Corporation (EchoStar) for special temporary authority, IBFS File No. SAT-STA-20120315-00049, is granted. Accordingly, EchoStar is authorized, for a period of 60 days, to conduct in-orbit testing (IOT) of the EchoStar 16 Direct Broadcast Satellite (DBS) service space station (Call Sign S2844) at the 67.1° W.L. orbital location in the 12.2-12.7 GHz (space-to-Earth) and 17.3-17.8 GHz (Earth-to-space) frequency bands. This 60-day period will start on the date that EchoStar commences IOT of EchoStar 16 at 67.1° W.L. EchoStar is also authorized to conduct tracking, telemetry and command (TT&C) operations using the following center frequencies during IOT at the 67.1° W.L. orbital location and during the drift of EchoStar 16 to its authorized location of 61.5° W.L.: 17.307 GHz and 17.7955 GHz (Earth-to-space); and 12.694 GHz, 12.695 GHz, 12.6965 GHz, and 12.6975 GHz (space-to-Earth). Operations under this authorization are subject to the terms, conditions, and technical specifications set forth in EchoStar's application and the Federal Communications Commission's rules, and are subject to the conditions set forth below.

1. All operations under this grant of special temporary authority shall be on an unprotected and non-harmful interference basis. EchoStar shall not cause harmful interference to, and shall not claim protection from interference caused to it by, any other lawfully operating radio communication system.
2. In the event of any harmful interference as a result of operations under this grant of special temporary authority, EchoStar shall cease operations immediately upon notification of such interference and shall immediately inform the Commission, in writing, of such an event.
3. EchoStar shall coordinate operations of EchoStar 16 with existing geostationary space stations to ensure that no unacceptable interference results from its operations at the 67.1° W.L. orbital location or during drift to the 61.5° W.L. orbital location.
4. EchoStar 16's operations at 67.1° W.L. shall be limited to IOT and shall not include the provision of commercial services.
5. EchoStar shall operate only the TT&C frequencies on EchoStar 16 during the space station's drift from the 67.1° W.L. orbital location to the 61.5° W.L. orbital location.
6. During IOT, EchoStar shall maintain the EchoStar 16 space station with an east/west longitudinal station-keeping tolerance of +/- 0.05 degrees of the 67.1° W.L. orbital location.
7. Any action taken or expense incurred as a result of operations pursuant to this grant of special temporary authority is at EchoStar's own risk.
8. EchoStar shall notify the Commission, in writing, within two business days of the commencement of IOT operations, that such operations have begun.
9. This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release.

 GRANTED* International Bureau *with conditions	File # <u>SAT-STA-20120315-00049</u>
	Call Sign <u>S2844</u> Grant Date <u>10/23/12</u>
	(or other identifier) <u>see conditions</u> Term Dates <u>period of 60 days</u>
	From <u>conditions</u> To: <u>60 days</u>
Approved: <u>Stephen J. Duall</u> Stephen J. Duall Chief, Satellite Policy Branch	

2. Contact

Name:	Pantelis Michalopoulos	Phone Number:	202-429-6494
Company:	Steptoe & Johnson LLP	Fax Number:	202-429-3902
Street:	1330 Connecticut Ave. NW	E-Mail:	pmichalopoulos@steptoe.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036 -1795
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?

- If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).
- Governmental Entity Noncommercial educational licensee
- Other(please explain):

4b. Fee Classification

5. Type Request

- Change Station Location Extend Expiration Date Other

6. Temporary Orbit Location

67.1 WL

7. Requested Extended Expiration Date

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.)

EchoStar Satellite Operating Corporation requests STA authority to launch EchoStar 16 to, and test the satellite at, 67.1 W.L. and then subsequently to move EchoStar 16 to its final destination at 61.5 W.L.

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. Yes No

10. Name of Person Signing
Alison Minea

11. Title of Person Signing
Corporate Counsel

12. Please supply any need attachments.

Attachment 1: Narrative

Attachment 2:

Attachment 3:

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).

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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)
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/

Pantelis Michalopoulos
Stephanie A. Roy
Andrew W. Guhr
Stephoe & Johnson LLP
1330 Connecticut Avenue N.W.
Washington, D.C. 20036
(202) 429-3000
*Counsel for EchoStar Satellite
Operating Corporation*

Alison Minea
Corporate Counsel
EchoStar Satellite Operating Corporation
1110 Vermont Avenue NW, Suite 750
Washington, DC 20005
(202) 293-1216

March 14, 2012

Stephanie A. Roy
202 429 6278
sroy@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

16 October 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Call Sign S2844 (SAT-STA-20120315-00049); Call Sign E080120 (File No. SES-STA-20120614-00508); Call Sign E980005 (File No. SES-STA-20120316-00275); Call Sign E070014 (File No. SES-STA-20120316-00274)

Dear Ms. Dortch:

Pursuant to Section 1.65(a) of the Commission's rules,¹ EchoStar Satellite Operating Corporation (along with its affiliates, "EchoStar") files this letter to update the above-referenced files with respect to the Commission on the status of the launch of the EchoStar 16 satellite. EchoStar had originally expected the satellite to launch in the Summer of 2012 and had requested space station and earth station special temporary authority ("STA") in the above-referenced applications for in-orbit testing consistent with this timeline.

Since EchoStar submitted those applications, however, the launch vehicle for the EchoStar 16 satellite, the Proton/Breeze M, experienced several delays in its manifest, including as a result of a launch failure this past August. EchoStar now expects EchoStar 16 to launch aboard the Proton/Breeze M rocket on or about November 20, 2012, and respectfully requests that STA be granted as requested in the above-referenced applications on or about that date consistent with the launch of the EchoStar 16 satellite.

Along with its request for special temporary authority ("STA") to perform in-orbit testing of EchoStar 16, EchoStar requested 60-day STA authority for three earth stations (Call Signs E080120, E980005, and E070014) to (1) perform telemetry, tracking, and control during orbital raising of EchoStar 16 to 67.1° W.L., (2) to perform in-orbit testing of EchoStar 16 at that

¹ 47 C.F.R. § 1.65(a).

location, and (3) upon completion of in-orbit testing, to relocate EchoStar 16 to 61.5° W.L.²
Given the nearness of EchoStar 16's launch, EchoStar does not object to receipt of STA for 30
days for the referenced earth stations, instead of the 60 days requested.

Please contact the undersigned if you have any questions.

Respectfully submitted,

/s/

Stephanie A. Roy
Step toe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000
*Counsel for EchoStar Satellite Operating
Corporation*

cc: Stephen Duall
Paul Blais

² File Nos. SES-STA-20120614-00508 (Call Sign E080120); SES-STA-20120316-00275 (Call Sign E980005); SES-STA-20120316-00274 (Call Sign E070014).