

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

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In the Matter of)

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ECHOSTAR SATELLITE OPERATING) File No. SAT-STA-2012_____

CORPORATION) File No. SAT-STA-2012_____

) Call Sign S2741

Applications for Special Temporary)

Authority to Move EchoStar 3 to, and)

Operate It as an In-Orbit Spare at, 61.8°)

W.L.)

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APPLICATIONS FOR SPECIAL TEMPORARY AUTHORITY¹

EchoStar Satellite Operating Corporation (“ESOC,” and collectively with its affiliates, “EchoStar”) hereby requests 30-day special temporary authority (“STA”) under Section 25.120(b) of the Commission’s rules² beginning on or about April 30, 2012, (a) to move the EchoStar 3 satellite from its current orbital position at 61.45° W.L. to the 61.8° W.L. orbital position; and (b) to operate the satellite at 61.8° W.L. as an in-orbit spare. EchoStar further requests a 180-day STA to operate EchoStar 3 at 61.8° W.L. as an in-orbit spare, once the satellite has been relocated.³ This request is being made in anticipation of the upcoming launch

¹ Concurrent with this application, EchoStar is filing applications for STA to operate two of its transmit/receive earth stations with EchoStar 3 to provide the necessary telemetry, tracking, and control (“TT&C”) service to EchoStar 3 during its relocation to 61.8° W.L. and once relocation is complete.

² 47 C.F.R. § 25.120(b).

³ EchoStar will maintain EchoStar 3 within a $\pm 0.05^\circ$ station-keeping box while at 61.8° W.L.

of EchoStar 16,⁴ and is part of a series of moves that EchoStar anticipates in order to accommodate EchoStar 16 at the nominal 61.5° W.L. orbital location.

I. BACKGROUND

As the Commission is aware, on July 10, 2010, EchoStar successfully launched EchoStar 15, a 32-transponder Direct Broadcast Satellite (“DBS”) that, in light of the loss of AMC-14,⁵ effectively replaced EchoStar 3.⁶ 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 was moved to 61.45° W.L.⁷ EchoStar 3 acts as an in-orbit spare, ready to supplement service provided from the 61.5° W.L. orbital location, 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.

EchoStar is now preparing to launch the EchoStar 16 satellite as early as August 2012, which will further supplement the service provided from 61.5° W.L. and ensure the continued full utilization of the DBS spectrum at that orbital location. In anticipation of this launch and the assumption of operations at 61.5° W.L. by EchoStar 16, EchoStar is repositioning the spacecraft in the 61.5° W.L. orbital cluster. This move of EchoStar 3 to 61.8° W.L. is the first step in these

⁴ See File Nos. SAT-LOA-20110902-00172 (filed Sept. 2, 2011); SAT-STA-20110902-00171 (filed Sept. 2, 2011); SAT-STA-20120315-00049 (filed Mar. 15, 2012).

⁵ See Letter from Pantelis Michalopoulos, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC, File No. SAT-STA-20080923-00193 (Dec. 30, 2008).

⁶ See Stamp Grant, File No. SAT-LOA-20100310-00043 (granted July 1, 2010).

⁷ EchoStar 3 currently operates as an in-orbit spare at 61.45° W.L. per STA that is set to expire on May 2, 2012. See Stamp Grant, File No. SAT-STA-20111004-00195 (granted Nov. 16, 2011).

repositioning efforts. Upon completion of the EchoStar 3 relocation, EchoStar anticipates seeking authority to move EchoStar 15 from 61.55° W.L. to the 61.65° W.L. location. With EchoStar 12 at 61.35° W.L., the launch of EchoStar 16 to 61.5° W.L. will align each of EchoStar's satellites at 0.15° separation, with the three operational satellites centered around the 61.5° W.L. nominal orbital location. Repositioning EchoStar 3 at 61.8° W.L. leaves the satellite in close proximity to the 61.5° W.L. nominal orbital location and available, if needed, for repositioning within the orbital cluster to provide service.

Grant of the requested authority is consistent with Commission precedent. The Commission has previously granted temporary authority to operate outside of an orbital cluster on the condition that operations do not cause harmful interference to lawfully operating satellite systems and that the satellite system operate without protection from lawful systems.⁸ In fact, in very similar circumstances, the Bureau approved a request by EchoStar for relocation of the EchoStar 6 satellite outside of the 110° W.L. cluster.⁹

For the reasons set forth below, the relocation of EchoStar 3 to 61.8° W.L. will not cause harmful interference to any authorized user of the spectrum and would be in the public interest. Accordingly, the Commission should grant the requested STAs.

⁸ See Letter from Thomas S. Tycz, Chief, Satellite and Radio Communications Division, FCC, to David K. Moskowitz, Senior Vice President and General Counsel for EchoStar Satellite Corporation, at 2, dated Jan. 14, 2000 (granting authority to operate the EchoStar 4 satellite at 119.35° W.L., outside of the 119° W.L. cluster).

⁹ See Stamp Grant, File No. SAT-STA-20060303-00023 (granted Apr. 28, 2006). The Bureau repeatedly renewed this STA. See Stamp Grant, File No. SAT-STA-20061020-00124 (granted Apr. 10, 2007); Public Notice, Policy Branch Information Actions Taken, Informative, 23 FCC Rcd. 6586, 6586 (2008); Public Notice, Policy Branch Information Actions Taken, Special Temporary Authority Grant of Authority, 23 FCC Rcd. 6902, 6903 (2008).

II. THIS REQUEST IS IN THE PUBLIC INTEREST AND WILL NOT CAUSE HARMFUL INTERFERENCE

The requested STAs are in the public interest for the same reason EchoStar was granted STA to operate EchoStar 3 as an in-orbit spare. Moreover, 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.

Relocation of EchoStar 3 to 61.8° W.L. as proposed herein will not harm adjacent satellite operators, because EchoStar proposes to operate EchoStar 3 solely as an in-orbit spare while at 61.8° W.L., and so will operate only the TT&C frequencies on the satellite.

Furthermore, the relocation will not adversely affect existing customers because the EchoStar 3 satellite itself is not carrying any traffic. The satellite's capacity has already been replaced by EchoStar 15, which in turn is backed up by the capacity on EchoStar 12.

During this relocation, EchoStar 3 will act solely as an in-orbit spare, unless it is needed to provide capacity in the event of an anomaly affecting another satellite in the EchoStar fleet at the nominal 61.5° W.L. orbital location. In the event that EchoStar 3's communications payload is required to supplement service from that orbital location, EchoStar will seek appropriate authority to move EchoStar 3 back within the orbital cluster of 61.5° W.L. before seeking to provide service from the satellite.

III. OPERATIONAL PARAMETERS

During relocation maneuvers and maintenance of EchoStar 3 at the 61.8° W.L. orbital location, all transponders other than the TT&C transponders will be switched off, and EchoStar will operate the satellite subject to the following conditions:

1. During the drift to the 61.8° W.L. orbital location, and while maintaining an orbit at that location, EchoStar shall not operate the main communications payload on EchoStar 3.

