

S2741 SAT-STA-20120424-00074 IB2012001093
EchoStar Satellite Operating Corporation
EchoStar 3



*with conditions

File # SAT-STA-20120424-00074

Call Sign 52741 Grant Date 06/12/12

(or other identifier)

Term Dates period of 180 days

From 06/29/12 To:

Approved: *Stephen J. Duall*

Stephen J. Duall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678

Date & Time Filed: Apr 24 2012 12:20:18:816PM
File Number: SAT-STA-20120424-00074
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:

Application for Special Temporary Authority to Operate EchoStar 3 at 61.8 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-20120424-00074
Call Sign S2741

The application of EchoStar Satellite Operating Corporation (EchoStar) for special temporary authority, File No. SAT-STA-20120424-00074, IS GRANTED. Accordingly, EchoStar is authorized for 180 days, commencing June 29, 2012, 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 61.8° 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 61.8° 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 61.8° 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.

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|--|--|
|  GRANTED* International Bureau *with conditions | File # <u>SAT-STA-20120424-00074</u> |
| | Call Sign <u>S2741</u> Grant Date <u>06/12/12</u> (or other identifier) |
| | Term Dates period of From <u>06/29/12</u> To: <u>180 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: | |
| Street: | 1330 Connecticut Avenue NW | E-Mail: | pmichalopoulos@steptoe.com |
| City: | Washington | State: | DC |
| Country: | USA | Zipcode: | - |
| 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
61.8 W.L.

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 Special Temporary Authority to operate the EchoStar 3 satellite at 61.8 W.L. as an in-orbit spare. See attached narrative.

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

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| _____ |) | |
| |) | |
| In the Matter of |) | |
| |) | |
| 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. |) | |
| _____ |) | |

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 ± 0.05° 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.

2. EchoStar shall coordinate all drift orbit TT&C operations with other potentially affected in-orbit operators.
3. Drift operations and operations at 61.8° W.L. shall be on a non-harmful interference basis, meaning that EchoStar shall not cause interference to, and shall not claim protections from, interference caused to it by any other lawfully operating satellites.
4. In the event that any harmful interference is caused as a result of operations during the relocation of the EchoStar 3 satellite or while the satellite is at 61.8° W.L., EchoStar shall cease operations immediately upon notification of such interference and shall inform the Commission immediately, in writing, of such event.

IV. 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.

V. CONCLUSION

For the foregoing reasons, ESOC respectfully requests grant of its application for 30-day STA, beginning on or about April 30, 2012, to move EchoStar 3 to 61.8° W.L. and to operate it as an in-orbit spare. ESOC further requests that the Commission grant its application for STA to operate EchoStar 3 at 61.8° W.L. as an in-orbit spare for 180 days.

Respectfully submitted,

/s/

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April 24, 2012