

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

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In the Matter of	)	
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<b>ECHOSTAR SATELLITE OPERATING CORPORATION</b>	)	File No. SAT-STA-2012_____
	)	Call Sign S2232
	)	
Application for Special Temporary Authority to Operate EchoStar 6 at 76.95° W.L. for 180 Days	)	
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**APPLICATION FOR SPECIAL TEMPORARY AUTHORITY**

By this Application, EchoStar Satellite Operating Corporation (“ESOC”) requests a grant of Special Temporary Authority (“STA”) under Section 25.120(b)(2) of the Commission’s rules,<sup>1</sup> for 180 days to operate the EchoStar 6 satellite from the 76.95° W.L. orbital location. EchoStar currently holds an STA under Section 25.120(b)(3) of the Commission’s rules<sup>2</sup> to operate EchoStar 6 from 76.95° W.L. orbital location, which expires on October 5, 2012.<sup>3</sup> EchoStar requested a 60-day renewal of its current STA.<sup>4</sup>

Since February 2011, the satellite has been operating under 60-day STAs issued by the Commission based on the expectation that EchoStar 6 would become a Mexican-licensed satellite. After consultation with the Commission and in light of the satellite’s limited remaining

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<sup>1</sup> 47 C.F.R. § 25.120(b)(2).  
<sup>2</sup> 47 C.F.R. § 25.120(b)(3).  
<sup>3</sup> See Stamp Grant, File No. SAT-STA-20120801-00124 (granted Aug. 7, 2012). The technical parameters of the satellite and its operations were provided in the Technical Annex and Schedule S submitted with the original STA application. See File No. SAT-STA-20110207-00026 (granted Feb. 11, 2011).  
<sup>4</sup> See File No. SAT-STA-20120914-00150 (filed Sept. 14, 2012).

life, EchoStar has concluded that the reflagging is no longer necessary, and therefore intends to withdraw its reflagging application (and related requests for authority) upon grant of the requested 180-day STA, thereby avoiding unnecessary expenditure of Commission resources.

## **I. BACKGROUND**

The nominal 77° W.L. orbital location is allotted to Mexico under the Region 2 Broadcasting-Satellite Service plan set forth in Appendices 30 and 30A to the International Radio Regulations. In addition to the EchoStar 6 satellite, ESOC currently operates two Direct Broadcast Satellite (“DBS”) service satellites at the nominal 77° W.L. orbital location under Mexican authority issued to its partner, QuetzSat, S. de R.L. de C.V. (“QuetzSat”): EchoStar 1 and EchoStar 8. The satellites are used by EchoStar’s customers, DISH Network L.L.C. (“DISH”) and DISH Mexico, to provide DBS service in the United States and Mexico, respectively. The U.S. service includes local-into-local and Spanish-language programming in a number of markets in the southern United States. EchoStar 6, operating with EchoStar 1 and EchoStar 8 at 77° W.L., will continue to provide sufficient capacity to avoid service disruptions from that slot in the event any of the satellites experiences a problem. EchoStar 1, a satellite launched in December 1995, has limited capability (only up to 16 transponders), but EchoStar 8 is fully functional.

EchoStar 6 arrived at the 76.95° W.L. orbital location on February 13, 2011, and began providing service on February 14, 2011. The relocation was prompted by a single event upset that temporarily affected the EchoStar 8 satellite.<sup>5</sup> On March 14, 2011, ESOC’s parent company, EchoStar Corporation (“EchoStar”), filed an application to transfer the satellite to QuetzSat,

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<sup>5</sup> See Letter from Petra A. Vorwig, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC, File No. SAT-T/C-20090217-00026 (Feb. 1, 2011).

intending to operate the satellite under Mexican authority from the 76.95° W.L. orbital location.<sup>6</sup> EchoStar also filed an application to modify its blanket earth station authorization to provide service from the Mexican-licensed EchoStar 6 satellite.<sup>7</sup> As ESOC notified the Commission, ESOC has been operating EchoStar 6 at 76.95° W.L. at an inclined orbit beginning since December 12, 2011.<sup>8</sup>

As mentioned, given the short period of time remaining before the end of EchoStar 6's useful life,<sup>9</sup> these applications are no longer necessary, and EchoStar has decided to withdraw them subject to grant of the instant STA request. The Mexican concessionaire for the 77° W.L. orbital location has informed COFETEL of this plan, and EchoStar understands that COFETEL has no objection to the continued operations of the EchoStar 6 satellite in the 77° W.L. cluster under the requested STA.

## **II. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST**

Grant of ESOC's STA to operate EchoStar 6 at 76.95° W.L. under Section 25.120(b)(2) of the Commission's rules is in the public interest because it will continue to ensure the provision

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<sup>6</sup> See File No. SAT-T/C-20110314-00054 (filed Mar. 14, 2011). On April 21, 2011, the Commission consented to the *pro forma* assignment of EchoStar's authorization to launch and operate EchoStar 6 to ESOC. See File No. SAT-ASG-20110224-00033 (granted Apr. 21, 2011). The *pro forma* assignment was consummated on May 23, 2011. See Letter from Pantelis Michalopoulos and L. Lisa Sandoval, Counsel for EchoStar Corporation and EchoStar Satellite Operating Corporation, to Marlene H. Dortch, Secretary, FCC, File No. SAT-ASG-20110224-00033 (May 23, 2011).

<sup>7</sup> See File No. SES-MFS-20110314-00288 (filed Mar. 14, 2011) ("Blanket Earth Station Application").

<sup>8</sup> Letter from Pantelis Michalopoulos, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC, File No. SAT-STA-20111004-00194 (Dec. 2, 2011).

<sup>9</sup> See Letter from Pantelis Michalopoulos and Christopher Bjornson, Counsel for EchoStar Corporation, to Stephen Duall, International Bureau, FCC, File No. SAT-MOD-20100720-00164 (Sept. 27, 2010).

of DBS service to the United States, including the provision of local-into-local and Spanish-language service in the southern United States. It will also ensure continuity of receipt of both national and local programming for the subscribers of EchoStar's customers by providing spare capacity at 77° W.L. in the event EchoStar 1 or EchoStar 8 suffers a problem. Additionally, operating EchoStar 6 at an inclined orbit will extend the time that the satellite is able to provide services to customers.

The continued operation of EchoStar 6 at 76.95° W.L. will not cause harmful interference to any other U.S.-licensed satellite operator. There is no DBS orbital location in the vicinity of 77° W.L. that is assigned to the United States (the closest U.S. orbital location is 61.5° W.L., an orbital location in which only ESOC operates DBS satellites). There will likewise be no harmful interference from the operation of an additional satellite at 76.95° W.L. into Canada's DBS allotments at 72.5° W.L. and 82° W.L. There is an existing coordination agreement between Mexico and Canada regarding the Mexican 77° W.L. orbital location and the Canadian orbital locations 82° W.L. and 72.5° W.L. ESOC will operate EchoStar 6 within the specifications of this coordination agreement. ESOC will also abide by the conditions imposed on the original STA grant for EchoStar 6 at 61.5° W.L.,<sup>10</sup> and the Commission's requirements for inclined orbit operations.<sup>11</sup>

Finally, the continued operation of the EchoStar 6 satellite at 76.95° W.L. will not create any risk of in-orbit collision. EchoStar 6 will be maintained within +/- 0.05° east/west station-

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<sup>10</sup> See Stamp Grant, File No. SAT-STA-20110207-00026 (granted Feb. 11, 2011).

<sup>11</sup> See 47 C.F.R. § 25.280(b). These requirements are intended to ensure that a satellite's inclined orbit operations cause no more radio frequency interference to adjacent satellites than would a satellite operating without an inclined orbit. See *Mitigation of Orbital Debris, Second Report and Order*, 19 FCC Rcd. 11567, 11586-87 ¶ 45 n.129 (2004).

keeping, which will ensure that its station-keeping volume will not overlap with ESOC's own satellites at 77° W.L.

### **III. 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 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.

### **IV. CONCLUSION**

For the foregoing reasons, ESOC respectfully requests the grant of its application for special temporary authority under Section 25.120(b)(2) of the Commission's rules to operate EchoStar 6 at the 76.95° W.L. orbital location for a period of 180 days.

Respectfully submitted,

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