

S2232 SAT-STA-20120924-00153 IB2012002197
EchoStar Satellite Operating Corporation
EchoStar 6



File # SAT-STA-20120924-00153

Call Sign S2232 Grant Date 11/01/12

(or other identifier)

From 11/01/12 Term Dates period of 180 days
To: 180 days

Approved:

Stephen J. Duall
Stephen J. Duall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678

*with conditions

Date & Time Filed: Sep 24 2012 4:03:21:456PM
File Number: SAT-STA-20120924-00153
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 6 at 76.95 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		


Attachment to Grant
IBFS File No. SAT-STA-20120924-00153
Call Sign S2232

The application of EchoStar Corporation (EchoStar), IBFS File No. SAT-STA-20120924-00153, for special temporary authority is granted. Accordingly, EchoStar is authorized, for a period of 180 days, to operate a Direct Broadcast Satellite (DBS) service space station, EchoStar 6 (Call Sign S2232), at the 76.95° W.L. orbital location on DBS channels 1-32 with feeder links (Earth-to-space) in the 17.3-17.8 GHz band and service links (space-to-Earth) in the 12.2-12.7 GHz band. EchoStar is also authorized to conduct on-station telecommand operations using one megahertz of occupied bandwidth at the center frequency of 17.305 GHz with left-hand circular polarization (Earth-to-space) and to operate the telemetry and ranging links (space-to-Earth) of EchoStar 6 using 300 kilohertz of occupied bandwidth at each of the downlink center frequencies, 12.203 GHz and 12.204 GHz, with left-hand circular polarization. This authorization shall be in accordance with the technical specifications set forth in EchoStar's application, the Commission's rules, and the following conditions:

1. All operations shall be on an unprotected and non-harmful interference basis, *i.e.*, the EchoStar 6 space station shall not cause harmful interference to, and shall not claim protection from interference caused to it by, any other lawfully operating station. 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 full operational control of the EchoStar 6 space station at all times.
3. While at the 76.95° W.L. orbital location, EchoStar shall maintain the EchoStar 6 space station within an east/west longitudinal station-keeping tolerance of ± 0.05 degrees. EchoStar shall not operate the EchoStar 6 satellite outside these station-keeping limits without further authorization.
4. EchoStar must comply with the applicable laws, regulations, rules and authorization process of any country in which it seeks to provide service.
5. EchoStar shall operate EchoStar 6 within the specifications of the coordination agreement between Mexico and Canada regarding the Mexican 77° W.L. orbital location and the Canadian 82° W.L. and 72.5° W.L. orbital locations and/or future such coordination agreements.
6. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at EchoStar's own risk.
7. EchoStar is afforded thirty days from the date of release of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.
8. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the

Attachment to Grant
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Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.

 GRANTED* International Bureau *with conditions	File # <u>SAT-STA-20120924-00153</u>
	Call Sign <u>S2232</u> Grant Date <u>11/01/12</u> (or other identifier)
	Term Dates period of From <u>11/01/12</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:	20036 -
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
76.95 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 6 satellite at 76.95 W.L. for 180 days. 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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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)	File No. SAT-STA-2012_____
CORPORATION)	Call Sign S2232
)	
Application for Special Temporary Authority to)	
Operate EchoStar 6 at 76.95° W.L. for 180 Days)	

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,¹ 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 rules² to operate EchoStar 6 from 76.95° W.L. orbital location, which expires on October 5, 2012.³ EchoStar requested a 60-day renewal of its current STA.⁴

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

¹ 47 C.F.R. § 25.120(b)(2).

² 47 C.F.R. § 25.120(b)(3).

³ 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).

⁴ 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.⁵ On March 14, 2011, ESOC’s parent company, EchoStar Corporation (“EchoStar”), filed an application to transfer the satellite to QuetzSat,

⁵ 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.⁶ EchoStar also filed an application to modify its blanket earth station authorization to provide service from the Mexican-licensed EchoStar 6 satellite.⁷ As ESOC notified the Commission, ESOC has been operating EchoStar 6 at 76.95° W.L. at an inclined orbit beginning since December 12, 2011.⁸

As mentioned, given the short period of time remaining before the end of EchoStar 6's useful life,⁹ 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

⁶ 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).

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

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

⁹ 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.,¹⁰ and the Commission's requirements for inclined orbit operations.¹¹

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-

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

¹¹ 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).

