

**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</b>	)	File No. SAT-STA-2012_____
<b>CORPORATION</b>	)	Call Sign S2232
	)	
Application for Special Temporary Authority to	)	
Operate EchoStar 6 at 76.95° W.L. for 30 Days	)	

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**APPLICATION FOR SPECIAL TEMPORARY AUTHORITY**

By this application, EchoStar Satellite Operating Corporation (“ESOC,” together with its affiliates, “EchoStar”) requests 30-day special temporary authority (“STA”), pursuant to Section 25.120(b)(4) of the Commission’s Rules, 47 C.F.R. § 25.120(b)(4), to operate its EchoStar 6 satellite in an inclined orbit at 76.95° W.L. ESOC currently operates EchoStar 6 at 76.95° W.L. pursuant to a 60-day STA, and requests that its 30-day STA begin upon the expiration of its current STA on October 5, 2012.<sup>1</sup>

**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

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<sup>1</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).

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. 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. Launched in December 1995, EchoStar 1 has limited capability—only up to 16 transponders. EchoStar 8, however, is fully functional.

Since February 2011, EchoStar 6 has been operating at 76.95° W.L., alongside EchoStar 1 and EchoStar 8, providing sufficient capacity to avoid service disruptions from that slot in the event of an anomaly affecting one of those satellites. ESOC has been operating EchoStar 6 at an inclined orbit since December 12, 2011.<sup>2</sup> The relocation of EchoStar 6 to 76.95° W.L. was prompted by a single event upset that temporarily affected the EchoStar 8 satellite.<sup>3</sup> ESOC subsequently filed an application to transfer EchoStar 6 to QuetzSat to facilitate operation of the satellite under Mexican authority,<sup>4</sup> as well as an application to modify its blanket earth station authorization to provide service to the United States once EchoStar 6 was reflagged.<sup>5</sup>

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<sup>2</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>3</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).

<sup>4</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>5</sup> See File No. SES-MFS-20110314-00288 (filed Mar. 14, 2011).

After consultation with the Commission, and given the short period remaining before the end of EchoStar 6's useful life,<sup>6</sup> ESOC no longer believes the transfer of EchoStar 6 to Mexican authority is necessary. ESOC has accordingly withdrawn that application<sup>7</sup> in favor of its already filed 180-day STA request.<sup>8</sup> ESOC understand that the Mexican concessionaire for the 77° W.L. orbital location has informed the Mexican regulator, Comisión Federal de Telecomunicaciones, of its plans to operate EchoStar 6 at this location under STA and that it has no objection. ESOC files this 30-day STA request to ensure that its authority to operate at this location does not lapse while the Commission considers ESOC's 180-day STA request.

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

Grant of this application is in the public interest because it will ensure the continued provision 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 that the subscribers of EchoStar's customers will continue to receive both national and local programming, by providing spare capacity at 77° W.L. in the event that EchoStar 1 or EchoStar 8 suffers an anomaly. 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. No U.S.-assigned DBS orbital locations are in the

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<sup>6</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).

<sup>7</sup> Letter from Pantelis Michalopoulos, Counsel for EchoStar Satellite Operating Corporation, to Marlene H. Dortch, Secretary, FCC, File Nos. SAT-T/C-20110314-00054; SAT-STA-20120914-00150 (Sept. 26, 2012).

<sup>8</sup> File No. SAT-STA-20120924-00153 (filed Sept. 24, 2012).

vicinity of 77° W.L. (the closest U.S. orbital location is 61.5° W.L., an orbital location in which only ESOC operates DBS satellites). Likewise no harmful interference will result 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 82° W.L. and 72.5° W.L. orbital locations. ESOC will operate EchoStar 6 according to the specifications of this coordination agreement. ESOC will also abide by the conditions imposed on the STA for EchoStar 6 at 76.95° W.L. granted by the Commission in February 2011<sup>9</sup> and by the Commission's requirements for inclined-orbit operations.<sup>10</sup>

Finally, the continued operation of the EchoStar 6 satellite at 76.95° W.L. will not create any risk of in-orbit collision. ESOC will maintain EchoStar 6 within  $\pm 0.05^\circ$  east/west station-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.

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<sup>9</sup> See Stamp Grant, File No. SAT-STA-20110207-00026 (granted Feb. 11, 2011).

<sup>10</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).

