

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

In the Matter of

**ECHOSTAR SATELLITE OPERATING
CORPORATION**

Application for 30-day Special
Temporary Authority to Relocate
EchoStar 15 to, and Operate It at, 44.9°
W.L.

File No. SAT-STA-_____
Call Sign S2811

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

EchoStar Satellite Operating Corporation (“ESOC,” and collectively with its affiliates, “EchoStar”) hereby 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 move the EchoStar 15¹ Broadcasting-Satellite Service (“BSS”) satellite to the 44.9° W.L. orbital location, and to operate it at that location, beginning on the date on which all traffic is successfully transitioned from EchoStar 15 to QuetzSat-1 at the nominal 61.5° W.L. orbital location.² ESOC has already filed a request to modify its authority for EchoStar 15 to provide service into Brazil from 44.9° W.L. using the Brazilian allotment and plan modifications filed for the International Telecommunication Union (“ITU”) Region 2 BSS Plan.³

¹ Concurrent with this application, EchoStar is filing applications for STA for five of its transmit/receive earth stations to provide the necessary telemetry, tracking, and control (“TT&C”) and feeder-link services to EchoStar 15 during its relocation to, and operation at, 44.9° W.L. (Call Signs E070014, E080007, E980005, E080120, and E020248).

² EchoStar will maintain EchoStar 15 within a $\pm 0.05^\circ$ station-keeping box.

³ File No. SAT-MOD-20120814-00130. The technical parameters of the satellite and its operations were provided in the Technical Annex and Schedule S submitted with the

I. BACKGROUND

On July 10, 2010, EchoStar successfully launched EchoStar 15 to 61.55° W.L.⁴ EchoStar 15 became fully operational on August 5, 2010.⁵ Since that time, EchoStar 15 has effectively replaced the EchoStar 3 satellite at the nominal 61.5° W.L. orbital location, providing Direct Broadcast Satellite (“DBS”) capacity for EchoStar’s customer, DISH Network L.L.C., to provide multichannel video programming distribution service to U.S. consumers.⁶ EchoStar had originally intended to relocate EchoStar 15 once relieved of duty at 61.5° W.L. by the EchoStar 16 satellite, which had been scheduled to launch in September 2012. But as a result of delays in the launch of EchoStar 16 (due to the Proton M/Briz M launch vehicle failure) and the need to continue service to U.S. customers from 61.5° W.L. while inaugurating EchoStar 15’s service from 44.9° W.L., EchoStar recently requested STA to operate the QuetzSat-1 satellite at 61.5° W.L. to free up EchoStar 15 for service at 44.9° W.L.⁷ QuetzSat-1 will be able to replace EchoStar 15 at the 61.5° W.L. nominal orbital location and ensure the continued full utilization of the DBS spectrum at that orbital location.

With EchoStar 15 freed for service elsewhere, EchoStar has an opportunity to use that satellite to provide service to Brazil from the nominal 45° W.L. orbital location pursuant to

modification application. ESOC incorporates the information contained in that modification request into this application by reference. *Id.*

⁴ See Peter B. de Selding, *Proton-M Rocket Lofts EchoStar 15 Satellite*, Space News (July 1, 2010), <http://www.spacenews.com/launch/100712-ils-proton-successfully-lofts-echostar.html>.

⁵ See Letter from Christopher R. Bjornson, Counsel for DISH Operating LLC, to Robert Nelson, Chief of the Satellite Division, International Bureau, FCC, *filed in* File No. SAT-LOA-20100310-00043.

⁶ EchoStar 15 is currently operating under special temporary authority at 61.65° W.L. *Grant Stamp*, File No. SAT-STA-20120711-00115 (granted July 18, 2012).

⁷ See File No. SES-STA-20120926-00852 (filed Sept. 26, 2012).

Brazilian authorization. Anatel has agreed to permit EchoStar 15 to serve Brazil pursuant to that authorization. Accordingly, ESOC will adjust the downlink pattern of EchoStar 15's payload to provide coverage over Brazil and will operate the satellite at 44.9° W.L. during an interim period while a purpose-built satellite is pursued, consistent with the underlying authorization.

II. THIS REQUEST IS IN THE PUBLIC INTEREST, IS CONSISTENT WITH PAST PRECEDENT, AND WILL NOT CAUSE HARMFUL INTERFERENCE

The Commission has a long-standing policy of granting STA where such authorization will serve the public interest, convenience, and necessity, and will not cause harmful interference.⁸ The requested relocation meets both of these tests. It has long been the Commission's policy that the public interest is generally furthered by leaving fleet management decisions to satellite operators. As the International Bureau has explained:

[T]he Commission attempts, when possible, to leave spacecraft design decisions to the space station licensee because the licensee is in a better position to determine how to tailor its system to meet the particular needs of its customers. Consequently the Commission will generally grant a licensee's request to modify its system, provided there are no compelling countervailing public interest considerations.⁹

As a result, the Commission has routinely authorized "satellite operators to rearrange satellites in their fleet to reflect business and customer considerations where no public interest factors are adversely affected."¹⁰ This includes permitting fleet reconfigurations designed to

⁸ See, e.g., Newcomb Communications, Inc., *Order and Authorization*, 8 FCC Rcd. 3631, 3633 (1993); Columbia Communications Corp., *Order*, 11 FCC Rcd. 8639, 8640 (1996); American Telephone & Telegraph Co., *Order*, 8 FCC Rcd. 8742 (1993).

⁹ AMSC Subsidiary Corp., *Order and Authorization*, 13 FCC Rcd. 12316 at 12318, ¶ 8 (1998).

¹⁰ See SES Americom, Inc., *Order and Authorization*, 21 FCC Rcd. 3430, 3433 ¶ 8 (2006) (citing Amendment of the Commission's Space Station Licensing Rules and Policies, *Second Report and Order*, 18 FCC Rcd. 12507, 12509 ¶ 7 (2003)).

meet demands for capacity outside the United States.¹¹ Indeed, only a few months ago, the Commission granted two modification requests to operate U.S.-licensed satellites pursuant to non-U.S. ITU filings and assignments.¹² Here, aside from the general public interest benefits described above, grant of this application will enable an American company to leverage its resources to expand its service offering to Brazil. This will provide another potential avenue for U.S. programming to reach an audience in South America.

At the same time, there are no countervailing public interest considerations. No customers will be negatively affected by the relocation, as the service currently provided from EchoStar 15 will first be transferred to QuetzSat-1, once that satellite arrives at the nominal 61.5° W.L. orbital location and prior to the departure of EchoStar 15. Nor will the grant of the requested modification cause harmful interference to any authorized user of the spectrum. During EchoStar 15's operations at 44.9° W.L., EchoStar will follow standard industry practices for coordination of TT&C transmission to ensure that operations do not cause harmful interference to any nearby satellite.

As the administration under whose frequency reservation EchoStar 15 will be operating, Brazil is the responsible administration for coordination. Appendix 1 of the referenced Technical Appendix demonstrates that EchoStar 15 can operate at 44.9° W.L. without causing unacceptable interference to any Region 2 Plan network as well as to any operational BSS

¹¹ See Intelsat North America LLC, *Stamp Grant*, File No. SAT-T/C-20100112-00009 (granted July 30, 2010); PanAmSat Licensee Corp., *Stamp Grant*, File No. SAT-MOD-20080225-00051 (granted July 22, 2008).

¹² SES Americom, Inc., *Stamp Grant*, File No. SAT-MOD-20111025-00209 (granted Feb. 24, 2012) (requesting modification of its authorization for AMC-2 to provide service exclusively into Sweden pursuant to a Swedish ITU filing); Intelsat License LLC, *Stamp Grant*, File No. SAT-MOD-20110420-00073 (granted Mar. 3, 2012) (requesting modification of its authorization for the Galaxy 26 satellite to provide service to the Middle East pursuant to a Turkish ITU filing).

network, and that it can operate without exceeding the power-flux density limits under Appendix 30/30A for any FSS satellites operating in Regions 1 or 2. Further, while Holland and Russia have filed modifications for the ITU Region 2 BSS Plan for satellite systems within 9 degrees of 44.9° W.L., EchoStar can find no evidence that these satellite systems are under construction and progressing towards launch.

EchoStar will be operating the EchoStar 15 satellite at 44.9° W.L. pursuant to Brazil's ITU AP30/30A Region 2 BSS Plan allotment and subsequently filed plan modifications for the nominal 45° W.L. orbital location and pursuant to Section 4.4 of the ITU Radio Regulations. EchoStar has obtained all necessary authority from Anatel.¹³

III. OPERATIONAL PARAMETERS

During relocation maneuvers of EchoStar 15 to the 44.9° W.L. orbital location, all transponders other than the TT&C transponders will be switched off, and ESOC will operate the satellite subject to the following conditions:

1. ESOC shall coordinate all drift operations with other potentially affected in-orbit operators.
2. Drift operations shall be on a non-harmful interference basis, meaning that ESOC shall not cause interference to, and shall not claim protection from, interference caused to it by any other lawfully operating satellites.
3. In the event that any harmful interference is caused as a result of relocation operations, ESOC shall cease operations immediately upon notification of such interference and shall inform the Commission immediately, in writing, of such event.

While EchoStar 15 is stationed at 44.9° W.L., ESOC will operate the satellite in accordance with the following conditions:

¹³ See File No. SAT-MOD-20120814-00130, Narrative 5-6 (filed Aug. 14, 2012).

1. Operations shall be on a non-harmful interference basis, meaning that ESOC shall not cause interference to, and shall not claim protection from, interference caused to it by any other lawfully operating satellites operating within the parameters of applicable international coordination agreements.
2. In the event that any harmful interference is caused while the satellite is operating at 44.9° W.L., ESOC 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 the requested 30-day STA beginning on the date on which all traffic is successfully transitioned from EchoStar 15 to QuetzSat-1 at the nominal 61.5° W.L. orbital location, so that it can immediately relocate EchoStar 15 to 44.9° W.L.

Respectfully submitted,

/s/

Alison Minea
Corporate Counsel
EchoStar Satellite Operating Corporation
1110 Vermont Avenue, NW, Suite 750
Washington, D.C. 20005
(202) 293-0981

Pantelis Michalopoulos
Stephanie A. Roy
Andrew W. Guhr
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, D.C. 20036
(202) 429-3000
Counsel for EchoStar Satellite Operating Corporation

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