

S2811 SAT-STA-20121022-00185 IB2012002458
EchoStar Satellite Operating Corporation
EchoStar 15



File # SAT-STA-20121022-00185
Call Sign S2811 Grant Date 11/19/12
(or other identifier)
From see conditions Term Dates Period of 30 days
To: 30 days
Approved: Stephen J. Duall

Approved by OMB
3060-0678

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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 relocate EchoStar 15 to the 44.9 W.L. orbital location.

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		

EchoStar Satellite Operating Corporation
IBFS File No. SAT-STA-20121022-00185
Call Sign S2811

The application of EchoStar Satellite Operating Corporation (EchoStar) for special temporary authority, IBFS File No. SAT-STA-20121022-00185, is GRANTED. Accordingly, EchoStar is authorized, for a period of 30 days, to conduct telemetry, tracking, and command (TT&C) operations necessary to drift EchoStar 15 (S2811) from its currently authorized orbital location of 61.65° W.L. to the 44.9° W.L. orbital location using the following center frequencies: 17.307 GHz and 17.7955 GHz (Earth-to-space); and 12.694 GHz, 12.695 GHz, 12.6965 GHz, and 12.6975 GHz (space-to-Earth). EchoStar is also authorized to provide Broadcasting-Satellite Service (BSS) on a temporary basis via EchoStar 15 at 44.9° W.L. in the 12.2-12.7 GHz (space-to-Earth) and 17.3-17.8 GHz (Earth-to-space) frequency bands. Operations under this authorization are subject to the terms, conditions, and technical specifications set forth in EchoStar's application and the Federal Communications Commission's rules, and are subject to the conditions set forth below.

1. All operations under this grant of special temporary authority shall be on an unprotected and non-harmful interference basis. EchoStar must not cause harmful interference to, and shall not claim protection from interference caused to it by, any other lawfully operating radio communication system.

2. In the event EchoStar's operations under this grant of special temporary authority cause harmful interference to any other lawfully operating radio communication system, EchoStar must cease operations immediately upon notification of such interference and shall immediately inform the Commission, in writing, of such an event.

3. EchoStar must coordinate operations of EchoStar 15 with existing geostationary space stations to ensure that no unacceptable interference results from its operations at the 44.9° W.L. orbital location or during the drift to the 44.9° W.L. orbital location.

4. EchoStar must operate only the TT&C frequencies on EchoStar 15 during the drift from the 61.5° W.L. orbital location to the 44.9° W.L. orbital location.

5. EchoStar must maintain the EchoStar 15 space station with an east/west longitudinal station-keeping tolerance of +/- 0.05 degrees of the 44.9° W.L. orbital location.

6. This authorization is issued with the understanding that, to the extent EchoStar and its affiliated companies, pursuant to any arrangement with the Brazilian Administration, conforms its operations to any parameters agreed to in coordination agreements between the Brazilian Administration and other Administrations, responsibility for both compliance with, and enforcing compliance with, those arrangements and agreements is a matter that would arise under private law.

7. The United States remains the licensing administration of the EchoStar 15 space station and its communications payloads for purposes of International Telecommunication Union (ITU) Radio Regulation 18.1 and is the administration responsible for the operations of EchoStar 15. The U.S. Administration will not object to use of the EchoStar 15 satellite by the Brazilian Administration for claiming bringing into use or continuing the use of orbital assignments at 44.9° W.L. This grant does not in any way express a view concerning, or agreement as to, the validity or lack of validity of any ITU filing at or within the vicinity of the 44.9° W.L. orbital location.

8. In connection with the provision of service in any particular country, EchoStar is obliged to comply with the applicable laws, regulations, rules, and licensing procedures of that country.

9. Any action taken or expense incurred as a result of operations pursuant to this grant of special temporary authority is at EchoStar's own risk.


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10. The 30-day STA period will commence on the date on which all traffic is transferred from EchoStar 15. EchoStar shall notify the Commission, in writing, within two business days of the completion of traffic transfer operations, that such operations have been completed.

11. Grant of this authorization is without prejudice to any determination that the Commission may make regarding IBFS File No. SAT-MOD-20120814-00130.

12. Grant of this authorization does not convey to EchoStar any authority to operate a space station at the 44.9° E.L. orbital location beyond the term granted herein, nor any status in the United States satellite licensing process relative to applications for authority to operate a regularly authorized satellite at this orbital position.

13. This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release.

 GRANTED* International Bureau *with conditions	File # <u>SAT-STA-20121022-00185</u>
	Call Sign <u>S2811</u> Grant Date <u>11/19/12</u>
	(or other identifier)
	From <u>see conditions</u> Term Dates <u>period of</u> To: <u>30 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:	202-429-3902
Street:	1330 Connecticut Ave NW	E-Mail:	pmichalopoulos@steptoe.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036 -1795
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 SATMOD2012081400130 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
44.9 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 relocate EchoStar 15 from 61.65 to the 44.9 W.L. orbital location. 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**

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 ±0.05° 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/

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October 22, 2012