

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

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In the Matter of)

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ECHOSTAR SATELLITE OPERATING) File No. SAT-STA-2012_____

CORPORATION) File No. SAT-STA-2012_____

) Call Sign S2232

Applications for Special Temporary)

Authority to Move EchoStar 6 to, and)

Operate It at, 76.80° W.L.)

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APPLICATIONS FOR SPECIAL TEMPORARY AUTHORITY¹

EchoStar Satellite Operating Corporation (“ESOC,” and collectively with its affiliates, “EchoStar”) hereby requests 30-day special temporary authority (“STA”) under Section 25.120(b) of the Commission’s rules² beginning on or about December 11, 2012: (a) to move the EchoStar 6 satellite from its current orbital position at 76.95° W.L. to the 76.80° W.L. orbital position; and (b) to operate the satellite at 76.80° W.L. EchoStar further requests a 180-day STA to operate EchoStar 6 at 76.80° W.L. once the satellite has been relocated. This request is being made to accommodate the move of QuetzSat-1 to 77.05° W.L.

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

¹ Concurrent with this application, EchoStar is filing applications for STA to operate three of its transmit/receive earth stations with EchoStar 6 to provide the necessary telemetry, tracking, and control (“TT&C”) services to EchoStar 6 during its relocation to 76.80° W.L. and once relocation is complete.

² 47 C.F.R. § 25.120(b).

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. EchoStar 8 is used by EchoStar’s customers, DISH Network L.L.C. and DISH Mexico, to provide DBS service in the United States and Mexico, and EchoStar 6 and EchoStar 1 provide backup to the United States and Mexico services, respectively. The U.S. service includes local-into-local and Spanish-language programming in a number of markets in the southern United States.

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, 2011.³ The relocation of EchoStar 6 to 76.95° W.L. was prompted by a single event upset that temporarily affected the EchoStar 8 satellite.⁴ ESOC subsequently filed an application to transfer EchoStar 6 to QuetzSat to facilitate operation of the satellite under Mexican authority,⁵ as well as an application to modify its blanket earth station authorization to provide service to the United States once EchoStar 6 was reflagged.⁶

³ Letter from Pantelis Michalopoulos, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC, File No. SAT-STA-20111004-00194 (Dec. 2, 2011).

⁴ 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).

⁵ 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).

⁶ See File No. SES-MFS-20110314-00288 (filed Mar. 14, 2011).

After consultation with the Commission, and given EchoStar 6's limited remaining life,⁷ ESOC no longer believes the transfer of EchoStar 6 to Mexican authority is necessary and has accordingly withdrawn that application.⁸

EchoStar plans to direct the move of the QuetzSat-1 satellite to 77.05° W.L. beginning in December 2012. In anticipation of this move, EchoStar seeks to move EchoStar 6 from 76.95° W.L. to 76.80° W.L. and to move EchoStar 8 from 77.05° W.L. to 76.90° W.L. ESOC understands 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.

For the reasons set forth below, the relocation of EchoStar 6 to 76.80° W.L. will not cause harmful interference to any authorized user of the spectrum and would be in the public interest. Accordingly, the Commission should grant the requested STAs.

II. THIS REQUEST IS IN THE PUBLIC INTEREST AND WILL NOT CAUSE HARMFUL INTERFERENCE

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 8 suffers an anomaly.

⁷ 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).

⁸ 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).

Additionally, operating EchoStar 6 at an inclined orbit extends the time that the satellite is able to provide services to customers.

The continued operation of EchoStar 6 at 76.80° 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 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 76.80° 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 Commission's requirements for inclined-orbit operations.⁹

Finally, the operation of the EchoStar 6 satellite at 76.80° 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. OPERATIONAL PARAMETERS

During relocation maneuvers and maintenance of EchoStar 6 at the 76.80° W.L. orbital location, EchoStar will operate the satellite subject to the following conditions:

1. EchoStar shall coordinate all drift operations with other potentially affected in-orbit operators.

⁹ 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).

2. Drift operations and operations at 76.80° W.L. shall be on a non-harmful interference basis, meaning that EchoStar shall not cause interference to, and shall not claim protections 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 operations during the relocation of the EchoStar 6 satellite or while the satellite is at 76.80° W.L., EchoStar 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 its application for 30-day STA, beginning on or about December 11, 2012, to move EchoStar 6 to 76.80° W.L. and to operate it there. ESOC further requests that the Commission grant its application for STA to operate EchoStar 6 at 76.80° W.L. for 180 days.

Respectfully submitted,

/s/

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