

S2653 SAT-STA-20130626-00089 IB2013001377
EchoStar Satellite Operating Corporation
EchoStar 12



File # SAT-STA-20130626-00089

Call Sign S2653 Grant Date 08/15/13

(or other identifier)

Term Dates period of

From 08/19/13 To: 180 days

Approved by OMB
3060-0678

Date & Time Filed: Jun 26 2013 5:04:14:406PM
File Number: SAT-STA-20130626-00089
Callsign:

Approved: Steph J Duall
Steph J. Duall
Chief, Satellite Policy Branch

FEDERAL COMMUNICATIONS COMMISSION
APPLICATION FOR SPACE STATION SPECIAL TEMPORARY AUTHORITY
FOR OFFICIAL USE ONLY

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:


Request for Renewal of Special Temporary Authority to Operate EchoStar 12 (Call Sign S2653) in the 61.5 W.L. Cluster on Channels 1 and 2

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: | | | |

Attachment to Grant
EchoStar Satellite Operating Corporation
IBFS File No. SAT-STA-20130626-00089, Call Sign S2653
August 15, 2013

EchoStar Satellite Operating Corporation is granted special temporary authority to continue operating the EchoStar 12 space station (Call Sign S2653) to provide Direct Broadcast Satellite service over channels 1 and 2 at the 61.35° W.L. orbital location for a period of 180 days commencing on August 19, 2013. Operations pursuant to this authority shall be in accordance with conditions imposed in our June 2012 order. See EchoStar Satellite Operating Corporation Applications for Special Temporary Authority to Operate Direct Broadcast Satellite Service Space Stations EchoStar 3, EchoStar 12, EchoStar 15, and EchoStar 16 on Channels 1 and 2 at the 61.5° W.L. Orbital Location, *Order and Authorization*, 27 FCC Rcd 7138, 7141-42 ¶11 (Int'l Bur. Sat. Div. 2012).

| | |
|---|--|
|  GRANTED* International Bureau *with conditions | File # <u>SAT-STA-20130626-00089</u> |
| | Call Sign <u>S2653</u> Grant Date <u>08/15/13</u> (or other identifier) |
| | Term Dates period of From <u>08/19/13</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: | 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 SATSTA2012030100031 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
61.35 W.L.

7. Requested Extended Expiration Date
2014-02-14 00:00:00.0

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 a renewal of its Special Temporary Authority to operate the EchoStar 12 satellite (Call Sign S2653) in the 61.5 W.L. cluster on channels 1 and 2. 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
Dean A. Manson

11. Title of Person Signing
Gen. Counsel, EchoStar Satellite Operating Corp.

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 |) | |
| |) | File Nos. SAT-STA-20120301-00031 |
| |) | SAT-STA-20120301-00030 |
| Application for Renewal of Special Temporary Authority to Operate on Channels 1 and 2 at 61.5° W.L. |) | SAT-STA-20110902-00171 |
| |) | |
| |) | Call Signs S2741, S2653, S2844 |
| |) | |
| |) | |
| |) | |

**APPLICATION FOR RENEWAL OF
SPECIAL TEMPORARY AUTHORITY**

EchoStar Satellite Operating Corporation (“ESOC,” and collectively with its affiliates, “EchoStar”) hereby requests a renewal of its 180-day special temporary authority (“STA”) to operate the EchoStar 3, EchoStar 12, and EchoStar 16 satellites on channels 1 and 2 at the nominal 61.5° W.L. orbital location. The current STAs expire on August 18, 2013.¹

¹ See Applications to Modify Authority to Operate Direct Broadcast Satellite Service Space Stations EchoStar 3, EchoStar 12, and EchoStar 15 on Channels 3 through 32 and for Special Temporary Authority to Operate Direct Broadcast Satellite Service Space Stations EchoStar 3, EchoStar 12, EchoStar 15, and EchoStar 16 on Channels 1 and 2 at the 61.5° W.L. Orbital Location, *Order and Authorization* ¶ 11, 27 FCC Rcd. 7138, 7141-42 (June 22, 2012) (“June 2012 Order”) (stating that the granted STAs would become effective upon notification that EchoStar 16 had commenced operations at 61.5° W.L.); Letter from Jaime Londono, Vice President, Advanced Programs & Spectrum Management, EchoStar Technologies LLC, to Fern Jarmulnek, Acting Chief, Satellite Division, International Bureau, FCC (Feb. 19, 2013) (“EchoStar 16 Letter”), *filed in* File No. SAT-LOA-20110902-00172, Call Sign S2844 (stating that EchoStar 16 became operational at 61.5° W.L. on February 14, 2013).

I. INTRODUCTION AND BACKGROUND

EchoStar currently operates the EchoStar 3, EchoStar 12, and EchoStar 16 satellites in and around the 61.5° W.L. orbital cluster. The EchoStar 3 satellite, launched in 1998, was the first satellite in position at 61.5° W.L. and is currently an in-orbit spare operating under STA at 61.8° W.L.² EchoStar 12, launched in 2003, is located at 61.35° W.L.³ EchoStar 16, which became operational in February 2013,⁴ ensures the continued full utilization of the DBS spectrum at that orbital location.

On June 22, 2012, the Commission granted ESOC's applications to modify the authorized channels on these space stations from the nominal 61.5° W.L. orbital location from DBS channels 1-22 and 25-32 to DBS channels 3-32, and for 180-day STA to operate on channels 1 and 2, upon receipt of notification that EchoStar 16 had commenced operations.⁵ ESOC filed this notification on February 19, 2013.⁶

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

Renewal of the 180-day STA to operate EchoStars 3, 12, and 16 on channels 1 and 2 at the 61.5° W.L. nominal orbital location is in the public interest for the reasons set forth in the

² Stamp Grant, File No. SAT-STA-20121113-00198, Call Sign S2741 (granted Jan. 28, 2013); *see also* Narrative, File No. SAT-STA-20130514-00069, Call Sign S2741 (filed May 14, 2013).

³ Stamp Grant, File No. SAT-MOD-20100310-00042, Call Sign S2653 (granted June 9, 2010).

⁴ EchoStar 16 Letter.

⁵ *See* June 2012 Order ¶¶ 10-11. EchoStar 15 was also authorized to operate on channels 1 and 2 pursuant to STA, but EchoStar 15 has since relocated to 45.1° W.L. and is now operating there under permanent authority. *See* Stamp Grant, File No. SAT-MOD-20130503-00066, Call Sign 2811 (granted June 20, 2013).

⁶ EchoStar 16 Letter.

original STA grant, which is incorporated herein by reference.⁷ EchoStar will continue to comply with the conditions on the use of the channels set forth in the original grant as follows:⁸

1. EchoStar's use of channels 1 and 2 shall cause no harmful interference to any other lawfully operating radio station, and ESOC shall cease operation on these channels immediately upon notification of such interference.
2. EchoStar shall not claim protection from interference from any other lawfully operating radio station with respect to its operations on channels 1 and 2.
3. EchoStar has informed its customers in writing that services using channels 1 and 2 at the 61.5° W.L. orbital location will be discontinued upon the termination of its temporary authority to operate on these channels.
4. EchoStar will continue to provide the required terms set forth in the original grant in its monthly billing statements and marketing notifications.
5. EchoStar will continue to use channels 1 and 2 at the 61.5° W.L. orbital location only for free-standing separate programming packages that are not required as a condition of purchasing any other programming packages and that are readily capable of being withdrawn on short notice.
6. EchoStar shall cease operations on channels 1 and 2 at the 61.5° W.L. orbital location upon the launch and operation of a satellite regularly licensed to operate on these channels at this location.

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, EchoStar 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.

⁷ See June 2012 Order.

⁸ See *id.* at ¶ 11.

IV. CONCLUSION

For the foregoing reasons, ESOC respectfully requests the grant of its application for a renewal of STA to operate EchoStars 3, 12, and 16 on channels 1 and 2 at the nominal 61.5° W.L. orbital location.

Respectfully submitted,

/s/

Pantelis Michalopoulos
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Counsel for EchoStar Satellite Operating Corporation

June 26, 2013