

margins for all the satellites in the 61.5° W.L. orbital cluster,³ EchoStar repositioned EchoStar 3 at 61.8° W.L. in early 2012.⁴ Operating at 61.8° W.L. as an in-orbit spare, EchoStar 3 remains in close proximity to the 61.5° W.L. nominal orbital location and available, if needed, for repositioning within the orbital cluster to provide service.⁵ Accordingly, grant of the requested STA is in the public interest.

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

The requested STA is in the public interest for the same reason EchoStar was previously granted STA to operate EchoStar 3 as an in-orbit spare.⁶ Grant of this application will ensure safe station-keeping margins for each of the satellites that are located at the nominal 61.5° W.L. orbital location. Moreover, grant of this application will not cause harmful interference because EchoStar will conduct TT&C operations with EchoStar 3 at 61.8° W.L. in accordance with the conditions imposed on the original STA grant.⁷

II. 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

³ EchoStar 3 has been operating at 61.8° W.L. while EchoStar 12 has been operating at 61.35° W.L. and EchoStar 16 at 61.5° W.L. Until recently, EchoStar 15 was also operating in the 61.5° W.L. cluster, but has now been relocated to 45.1° W.L. Stamp Grant, SAT-MOD-20130503-00066, Call Sign S2811 (granted June 20, 2013).

⁴ Stamp Grant, File No. SAT-STA-20120424-00073, Call Sign S2741 (granted Apr. 30, 2012).

⁵ With the relocation of EchoStar 15 to the 45° W.L. cluster, Stamp Grant, SAT-MOD-20130503-00066, Call Sign S2811 (granted June 20, 2013), EchoStar is evaluating spare capacity requirements for the 61.5° W.L. cluster and exploring other uses for the EchoStar 3 satellite.

⁶ See Stamp Grant, File No. SAT-STA-20120424-00073 (granted Apr. 30, 2012).

⁷ *Id.*

