

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

In the Matter of	)	
	)	
EchoStar Satellite Operating Corporation	)	File Nos. SAT-STA-20141217-00132
	)	SAT-STA-20141217-00134
	)	SAT-STA-20141217-00135
Application for Renewal of Special Temporary Authority to Operate on Channels 1 and 2 at 61.5° W.L.	)	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 9, 2015.<sup>1</sup>

**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.<sup>2</sup> EchoStar 12, launched in 2003, is located at 61.35° W.L.<sup>3</sup> EchoStar 16, which

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<sup>1</sup> See Stamp Grants, File Nos. SAT-STA-20141217-00134, Call Sign S2653 (granted Feb. 18, 2015); SAT-STA-20141217-00135, Call Sign S2741 (granted Feb. 18, 2015); SAT-STA-20141217-00132, Call Sign S2844 (granted Feb. 18, 2015).

<sup>2</sup> Stamp Grant, File No. SAT-STA-20150514-00036, Call Sign S2741 (granted Jul. 9, 2015).

<sup>3</sup> Stamp Grant, File No. SAT-MOD-20100310-00042, Call Sign S2653 (granted Jun. 9, 2010); see also Narrative, File No. SAT-MOD-20130905-00113, Call Sign S2653 (granted Feb. 27, 2013) (application for renewal of authorization to operate at 61.35° W.L.).

became operational in February 2013,<sup>4</sup> ensures the continued full utilization of the DBS spectrum at that orbital location.

On June 22, 2012, the Commission granted EchoStar's applications to modify the authorized channels on these space stations from the nominal 61.5° W.L. orbital location from Direct Broadcast Satellite ("DBS") service 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.<sup>5</sup> EchoStar filed this notification on February 19, 2013.<sup>6</sup> On August 15, 2013, the Commission granted EchoStar's applications for renewal of its STA for EchoStars 3, 12, and 16 to operate on channels 1 and 2.<sup>7</sup> The Commission again granted these authorities on February 26, 2014, August 20, 2014 and again February 18, 2015.<sup>8</sup>

## **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

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<sup>4</sup> 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).

<sup>5</sup> *EchoStar Satellite Operating Corporation*, Order and Authorization, 27 FCC Rcd 7138, 7141 ¶¶ 10-11 (IB 2012) ("June 2012 Order")

<sup>6</sup> EchoStar 16 Letter.

<sup>7</sup> *See* Stamp Grants, File Nos. SAT-STA-20130626-00089, Call Sign S2653 (granted Aug. 15, 2013); SAT-STA-20130626-00090, Call Sign S2741 (granted Aug. 15, 2013); SAT- STA-20130626-00088, Call Sign S2844 (granted Aug. 15, 2013).

<sup>8</sup> *See* Stamp Grants, File Nos. SAT-STA-20140106-00002, Call Sign S2653 (granted Feb. 26, 2014); SAT-STA-20140106-0003, Call Sign S2741 (granted Feb. 26, 2014); SAT-STA-20140106-00001, Call Sign S2844 (granted Feb. 26, 2014); File Nos. SAT-STA-20140624-00079, Call Sign S2653 (granted Aug. 20, 2014); SAT-STA-20140624-00078, Call Sign S2741 (granted Aug. 20, 2014); SAT-STA-20140624-00080, Call Sign S2844 (granted Aug. 20, 2014); *see supra* note 1

the original STA grant, which is incorporated herein by reference.<sup>9</sup> EchoStar will continue to comply with the conditions on the use of the channels set forth in the original grant as follows:<sup>10</sup>

1. EchoStar's use of channels 1 and 2 shall cause no harmful interference to any other lawfully operating radio station, and EchoStar 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 from the 61.5° W.L. cluster 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 nominal 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.

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<sup>9</sup> See June 2012 Order.

<sup>10</sup> See *id.* ¶ 11.

#### **IV. CONCLUSION**

For the foregoing reasons, ESOC respectfully requests the grant of its applications 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/ Jennifer A. Manner

Jennifer A. Manner

Vice President, Regulatory Affairs

EchoStar Satellite Operating Corporation

11717 Exploration Lane

Germantown, MD 20876

(301)428-5893

jennifer.manner@echostar.com

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