

S2844 SAT-STA-20160725-00073 IB2016001698
EchoStar Satellite Operating Corporation
EchoStar 16



File # SAT-STA-20160725-00073
Call Sign S2844 Grant Date 09/08/16
(or other identifier)
Term Dates period of
From 08/07/16 To: 180 days
Approved: *Stephen J. Dull*
Stephen J. Dull
Chief, Satellite Policy Branch

Approved by OMB
3060-0678

Date & Time Filed: Jul 25 2016 4:50:53:760PM
File Number: SAT-STA-20160725-00073
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:
Request for Renewal of STA to Operate EchoStar 16 (Call Sign S2844) in the 61.5 W.L. Cluster on Channels 1 and 2

I. Applicant

| | | | |
|------------|--|---------------|------------------------------|
| Name: | EchoStar Satellite Operating Corporation | Phone Number: | 301-428-5893 |
| DBA Name: | | Fax Number: | |
| Street: | 100 Inverness Terrace East | E-Mail: | jennifer.manner@echostar.com |
| City: | Englewood | State: | CO |
| Country: | USA | Zipcode: | 80112 - |
| Attention: | Jennifer A Manner | | |

**ATTACHMENT TO GRANT
IBFS File No. SAT-STA-20160725-00073**

| | | | |
|---|---|-------------------------------|---|
| IBFS File No(s): | SAT-STA-20160725-00073 | | <p align="center">GRANTED – With Conditions</p>  <p align="center">International Bureau Satellite Division</p> |
| Licensee/Grantee: | EchoStar Satellite Operating Corporation (EchoStar) | | |
| Call Sign: | S2844 | | |
| Satellite Name: | EchoStar 16 | | |
| Orbital Location: (required station-keeping tolerance) | 61.5° W.L. (+/- 0.05 degrees east-west station keeping) | | |
| Administration: | United States of America | | |
| Nature of Service: | Direct Broadcast Service (DBS) | | |
| Scope of Grant: | Special temporary authority for a period of 180-days to provide Direct Broadcast Satellite service over channels 1 and 2. | | |
| Service Area(s): | see conditions | | |
| Frequencies: | 12.2-12.7 GHz (space-to-Earth) | | |
| <p>Operations under this grant must comport with the legal and technical specifications set forth by the applicant or petitioner and with the Federal Communication Commission's rules not waived herein. This grant is also subject to the following conditions:</p> <ol style="list-style-type: none"> Operations pursuant to this authority shall be in accordance with conditions imposed in our June 2012 order. <i>See</i> 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, <i>Order and Authorization</i>, 27 FCC Red 7138, 7141-42, ¶ 11 (Int'l Bur. Sat. Div. 2012). | | | |
| <p>Licensee/grantee is afforded thirty (30) days from the date of release of this action to decline the grant as conditioned. Failure to respond within this period will constitute formal acceptance of the grant as conditioned.</p> <p>This action is taken pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release.</p> <p>Station licenses are subject to the conditions specified in Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(h).</p> | | | |
| Action Date: | September 8, 2016 | | |
| Term Dates | From: August 7, 2016 | To: period of 180 days | |
| Approved: |  Stephen J. Duall Chief, Satellite Policy Branch | | |

2. Contact

| | | | |
|-------------------|--|----------------------|------------------------------|
| Name: | Jennifer A. Manner | Phone Number: | 301-428-5893 |
| Company: | EchoStar Satellite Operating Corporation | Fax Number: | |
| Street: | 11717 Exploration Lane | E-Mail: | jennifer.manner@echostar.com |
| City: | Germantown | State: | MD |
| Country: | USA | Zipcode: | 20876 - |
| Attention: | | Relationship: | Same |

(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 SATSTA2016011400004 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

7. Requested Extended Expiration Date
2017-02-07 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 16 satellite (Call Sign S2844) 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
Jennifer A. Manner

11. Title of Person Signing
Senior Vice President, Regulatory Affairs

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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THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

APPLICATION FOR RENEWAL OF SPECIAL TEMPORARY AUTHORITY

EchoStar Satellite Operating Corporation (“ESOC”, and collectively with its affiliates, “EchoStar”) hereby requests a 180-day renewal of its special temporary authority (“STA”), currently expiring on August 6, 2016,¹ 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.

I. INTRODUCTION AND BACKGROUND

EchoStar currently operates the EchoStar 3, EchoStar 12, and EchoStar 16 satellites within in 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 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 STAs to operate on channels 1 and 2 upon receipt of notification that EchoStar 16

¹ See Stamp Grants, File Nos. SAT-STA-20160114-00002, Call Sign S2741 (granted Feb. 24, 2016); SAT-STA-20160114-00003, Call Sign S2653 (granted Feb. 24, 2016); SAT-STA-20160114-00004, Call Sign S2844 (granted Feb. 24, 2016).

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

³ 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.).

⁴ 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).

had commenced operations.⁵ EchoStar filed this notification on February 19, 2013.⁶ The Commission renewed EchoStar's STA to operate EchoStar 3, 12, and 16 on channels 1 and 2 on August 15, 2013; February 26 and August 20, 2014; February 18 and August 27, 2015; and February 24, 2016.

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

Grant of the requested 180-day STA renewal is in the public interest for the reasons set forth in the 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 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.

⁵ *EchoStar Satellite Operating Corp.*, Order and Authorization, 27 FCC Rcd 7138, 7141-42 ¶¶ 10-11 (IB 2012) ("June 2012 Order").

⁶ EchoStar 16 Letter.

⁷ See June 2012 Order.

⁸ See *id.* ¶ 11.

6. EchoStar will 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. CONCLUSION

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