

S2741 SAT-STA-20170626-00098 IB2017001694  
EchoStar Satellite Operating Corporation  
ECHOSTAR-3



File # SAT-STA-20170626-00098  
Call Sign S2741 Grant Date 06/29/17  
(or other identifier)  
Term Dates period of  
From 07/03/17 To: 30 days  
Approved: Stephen J. Duall

Approved by OMB  
3060-0678

Date & Time Filed: Jun 26 2017 1:27:48:963PM  
File Number: SAT-STA-20170626-00098  
Callsign:

\*with conditions

Stephen 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:  
STA to Move & Operate EchoStar 3 at 86.85 WL

1. Applicant

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

**ATTACHMENT TO GRANT**  
 EchoStar Satellite Operating Corporation  
 IBFS File No. SAT-STA-20170626-00098

<b>IBFS File No(s):</b>	SAT-STA-20170626-00098	<p><b>GRANTED – With Conditions</b></p>  <p><b>International Bureau Satellite Division</b></p>
<b>Licensee/Grantee:</b>	EchoStar Satellite Operating Corporation (EchoStar)	
<b>Call Sign:</b>	S2741	
<b>Satellite Name:</b>	EchoStar 3	
<b>Orbital Location: (required station-keeping tolerance)</b>	86.85° W.L. (+/- 0.05 degrees)	
<b>Administration:</b>	United States of America	
<b>Nature of Service:</b>	Broadcasting Satellite Service (BSS)	
<b>Scope of Grant:</b>	Special temporary authority for a period of 30-days, beginning July 3, 2017, to conduct telemetry, tracking and command operations with EchoStar 3 during the drift from the 61.8° W.L. orbital location to the 86.85° W.L. orbital location and while at 86.85° W.L., and to operate EchoStar 3 using the 12.2-12.7 GHz and 17.3-17.8 GHz frequency bands at the 86.85° W.L. orbital location. <sup>1</sup>	
<b>Frequencies:</b>	12.2-12.7 GHz (space-to-Earth) 17.3-17.8 GHz (Earth-to-space) <sup>2</sup>  Telemetry: 12.201 GHz, 12.203 GHz, 12.699 GHz Command: 17.3015 GHz	

**Unless otherwise specified herein, operations under this grant must comport with the legal and technical specifications set forth by the applicant or petitioner and with Federal Communication Commission's rules not waived herein. This grant is also subject to the following conditions:**

1. All operations during EchoStar 3's drift from the 61.8° W.L. orbital location to the 86.85° W.L. orbital location and during operations from the 86.85° W.L. orbital location must be on an unprotected and non-harmful interference basis, *i.e.*, EchoStar must not cause harmful interference to, and must not claim protection from interference caused to it by, any other lawfully operating stations.
2. In the event of harmful interference during EchoStar 3's drift to the 86.85° W.L. orbital location or harmful interference during EchoStar 3's operations at 86.85° W.L., EchoStar shall cease operations immediately upon notification of such interference, and shall inform the Commission, in writing, immediately of such an event.
3. During the drift to the 86.85° W.L. orbital location, EchoStar must operate only the telemetry, tracking, and command frequencies authorized for EchoStar 3, and must not operate the communications payload.
4. EchoStar must maintain full operational control of Echo Star 3 at all times during the drift to and operations at the 86.85° W.L. orbital location, and must comply with any relevant coordination agreements.
5. Any action take or expense incurred as a result of operations pursuant to this grant of special temporary authority is at EchoStar's own risk.

<sup>1</sup> EchoStar requested special temporary authority for a period of 60 days, but the Commission may grant temporary authorization for a period greater than 30 days without public notice only if a request for regular authority for the service is also filed. 47 CFR § 25.121(a)(3). Since a request for regular authority has not been filed, nor appears intended to be filed, we limit this grant to a period of 30 days pursuant to section 25.121(a)(3).

<sup>2</sup> EchoStar states that EchoStar-3 will operate at 86.85 WL orbital location under the USAT-S3 MOD-C and USAT-S4 MOD-D ITU filings of the U.K. Administration as part of the ITU Region 2 BSS Plan.

**ATTACHMENT TO GRANT**  
EchoStar Satellite Operating Corporation  
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6. EchoStar must comply with the applicable laws, regulations, rules and authorization process of any country in which it provides service.

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.

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.

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).

<b>Action Date:</b>	June 29, 2017
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<b>Term Dates:</b>	<b>From:</b> July 3, 2017	<b>To:</b> period of 30 days
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**Approved:**



Stephen J. Duall  
Chief, Satellite Policy Branch

2. Contact

<b>Name:</b>	Jennifer A. Manner	<b>Phone Number:</b>	(301)428-5893
<b>Company:</b>	EchoStar	<b>Fax Number:</b>	(301)428-2818
<b>Street:</b>	11717 Exploration Lane	<b>E-Mail:</b>	jennifer.manner@echostar.com
<b>City:</b>	Germantown	<b>State:</b>	MD
<b>Country:</b>	USA	<b>Zipcode:</b>	20876 -
<b>Attention:</b>		<b>Relationship:</b>	

(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 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    CRY – Space Station (Geostationary)

5. Type Request

- Change Station Location                       Extend Expiration Date                       Other

6. Temporary Orbit Location  
86.85 W.L.

7. Requested Extended Expiration Date

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.)

Seeking 60-day STA, commencing on or approximately July 3, 2017, to move and operate EchoStar 3 at 86.85 WL, as well as operate certain earth stations for TT&C communications. See Exhibit 1.

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: Technical Annex

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.**

## EXHIBIT 1

### DESCRIPTION OF PROPOSED SPECIAL TEMPORARY OPERATIONS (Response to Space Station/Earth Station STA Forms, Question 8 or 12)

Pursuant to 47 C.F.R. § 25.120(b), EchoStar Satellite Operating Corporation and EchoStar Operating L.L.C. (together with their affiliates, "EchoStar") request 60-day special temporary authority ("STA"), commencing on or approximately July 3, 2017, to (i) move and operate the EchoStar 3 satellite (Call Sign S2741) at 86.85° W.L. for a brief period; and (ii) operate certain earth stations in Blackhawk, South Dakota (Call Signs E020248 and E150098), and Gilbert, Arizona (Call Sign E010242) for telemetry, tracking, and control ("TT&C") communications on the following frequencies during EchoStar 3's temporary move and operations at 86.85° W.L.:<sup>1</sup>

EchoStar 3 Uplink Frequencies	EchoStar 3 Downlink Frequencies
TC1: 17.3015 GHz	TM1: 12.201 GHz TM2: 12.203 GHz TM3: 12.699 GHz

Under the requested STA (and subject to STA renewal), EchoStar 3 will operate at 86.85° W.L. for a brief period of approximately three to four months, in accordance with the United Kingdom's filings with the International Telecommunication Union ("ITU") for the USAT-S3 MOD-C and USAT-S3 MOD-D networks. Following such temporary operations, EchoStar will commence maneuvers to deorbit the satellite. The accompanying Schedule S and Technical

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<sup>1</sup> EchoStar concurrently is filing applications to modify the licenses of EchoStar 12 and associated earth stations to permit moving the satellite to 86.4° W.L. for regular operations and to add the satellite at 86.4° W.L. as a point of communications for TT&C operations.

Annex contain technical and orbital debris mitigation information required under 47 C.F.R. § 25.114.

## **I. BACKGROUND**

Launched in 1998, the EchoStar 3 satellite is capable of operating in the 17.3-17.8 GHz BSS feeder uplink (ITU Appendix 30A) and the 12.2-12.7 GHz BSS downlink (ITU Appendix 30) bands. Until just a few years ago, EchoStar 3 provided capacity for service (via DISH Network Corporation) to millions of satellite television subscribers. The satellite currently operates as an in-orbit spare at 61.8° W.L. under STA.<sup>2</sup>

In 2008, the Commission extended EchoStar 3's license term for an additional 10 years.<sup>3</sup> EchoStar has placed EchoStar 3 in an inclined orbit in the north-south direction to extend the useful life beyond its current license period, set to expire in 2018.<sup>4</sup>

To accommodate the needs of its customer and development partner, SES Satellites (Gibraltar) Ltd. ("SES"), EchoStar seeks to move and operate EchoStar 3 at 86.85° W.L. on an STA basis for a brief period of approximately three to four months. SES currently operates NIMIQ-1, a Canadian-licensed Ku-band BSS satellite, on a regular basis at 86.5° W.L. in accordance with the United Kingdom's ITU filings for the USAT-S3 MOD-C and USAT-S3 MOD-D networks, but seeks to operate the satellite on a temporary basis, requiring it to obtain capacity from another satellite to replace that currently offered by NIMIQ-1. Consequently, EchoStar has agreed, subject to obtaining FCC and other required regulatory approvals, to move

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<sup>2</sup> See EchoStar, Stamp Grant, IBFS File No. SAT-STA-20161207-00126 (Jan. 26, 2017); *see also* EchoStar, Stamp Grant, IBFS File No. SAT-STA-20140106-00003 (Jan. 26, 2014).

<sup>3</sup> See EchoStar, Stamp Grant, IBFS File No. SAT-MOD-20071212-00173 (April 3, 2008).

<sup>4</sup> See Letter from Jennifer A. Manner, EchoStar, to Marlene H. Dortch, Secretary, FCC, IBFS File Nos. SAT-MOD-20120301-00033 *et al.* (July 16, 2014) (noting commencement of EchoStar 3's inclined orbit operations).

and operate EchoStar 3 at 86.85° W.L. for a brief period of a few months to provide capacity currently offered by NIMIQ-1.

Upon completion of NIMIQ-1's temporary operations, EchoStar 3 will no longer be required to provide replacement capacity for existing NIMIQ-1 services, and EchoStar intends to seek additional authority to deorbit EchoStar 3 on an STA basis.

## **II. THE PROPOSED STA OPERATIONS WILL SERVE THE PUBLIC INTEREST**

The proposed STA operations at 86.85° W.L. will offer substantial public interest benefits. As an initial matter, the Commission has a longstanding policy of leaving fleet management decisions to satellite operators because doing so generally serves the public interest. Specifically, the Commission has determined that the satellite licensee "is in a better position to determine how to tailor its system to meet the particular needs of its customers."<sup>5</sup> Thus, the Commission "will generally grant a [satellite] licensee's request to modify its system, provided there are no compelling countervailing public interest considerations."<sup>6</sup> Consequently, the proposed STA operations at 86.85° W.L. will serve the public interest by allowing EchoStar the flexibility to determine how best to meet the needs of its customers.<sup>7</sup> At the same time, as noted in Section III below, EchoStar 3 will operate under the requested STA on an unprotected, non-harmful interference basis, thus ensuring no harmful interference to other authorized services.

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<sup>5</sup> *AMSC Subsidiary Corporation*, 13 FCC Rcd 12316, ¶ 8 (IB 1998).

<sup>6</sup> *Id.*; see also *SES Americom, Inc.*, 21 FCC Rcd. 3430, 3433 ¶ 8 (2006) (FCC "generally has allowed satellite operators to rearrange satellites in their fleet to reflect business and customer considerations where no public interest factors are adversely affected").

<sup>7</sup> See *supra* nn.6 and 7; see also *EchoStar STA Order* ¶ 8 ("assessment of the motivation of [satellite] operators ... does not provide an appropriate basis for determining whether an STA would serve the public interest"); *SES Americom* ¶ 12 n.39 (FCC consideration of "incidental effect" resulting from STA operations is "irrelevant to our public interest determination").

### III. OPERATIONAL PARAMETERS

EchoStar 3's STA operations at 86.85° W.L. will be subject to the conditions typically imposed on U.S.-licensed satellites operating under STA in accordance with non-U.S. ITU filings. These conditions include the following:

1. All authorized operations will be on an unprotected and non-harmful interference basis (*i.e.*, EchoStar 3 will not cause harmful interference to, and will not claim protection from interference caused to it by, any other lawfully operating station). In the event of any harmful interference, EchoStar will cease operations immediately upon notification of such interference and will immediately inform the Commission in writing of such an event.
2. EchoStar will maintain full operational control of EchoStar 3 at all times.
3. EchoStar will maintain EchoStar 3 at 86.85° W.L. with an east-west longitudinal station-keeping tolerance of +/-0.05 degree.
4. In connection with the provision of service in any particular country, EchoStar will comply with the applicable laws, regulations, rules, and licensing procedures of that country.
5. During drift operations, all transponders other than TT&C transponders will be turned off.