

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

In the Matter of)
)
EHOSTAR SATELLITE OPERATING) File No. SAT-STA- ----
CORPORATION.) Call Sign S2741
)
Request for Special Temporary Authority for)
the E3 Fixed-Satellite Space Station)

EXPEDITED ACTION REQUESTED

**REQUEST OF EHOSTAR SATELLITE OPERATING
CORPORATION**

EchoStar Satellite Operating Corporation ("ESOC"), pursuant to Section 25.120 of the Commission's rules, 47 C.F.R. § 25.120, hereby respectfully requests immediate special temporary authority ("STA") for a period of 30 days and a waiver of the stationkeeping tolerance requirements of Section 25.210(j), 47 C.F.R. § 25.210(j), to permit safe flight of the EchoStar III ("E3") satellite outside of its assigned stationkeeping volume at 61.8° W.L. +/- 0.05 degrees and 86.85 ° W.L. +/- 0.05 under its current temporary authorization.

E3 is a broadcast satellite service satellite (ITU Appendix 30A) that is licensed to operate pursuant to Commission authority under a STA at 61.8° W.L.¹ and is currently authorized under STA to move E3 from 61.8° W.L. +/- 0.05 degrees to 86.85° W.L. ESOC previously informed personnel in the Commission's Satellite Division, on July 28, 2017, that E3 experienced an anomaly of unknown origin during its move. Due to this anomaly, the satellite is not responding to commands, and ESOC is unable to maintain the satellite in its assigned stationkeeping volume. ESOC seeks an STA to continue satellite flight of E3. Based on the

¹ 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).

available evidence, ESOC has a very high level of confidence that the satellite's communications payloads are off, as are its TT&C system, and ESOC is not seeking authority to operate the communications payloads. However, if ESOC can reestablish its TT&C system ESOC seeks authorization to operate this system.² Our recovery attempts include trying to power on the TT&C system, and if successful, we will begin TT&C operations immediately.

Granting the STA and the associated waiver will serve the public interest and is consistent with Commission policy:

The Commission may waive a rule for good cause shown. Waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule. Generally, the Commission may grant a waiver of its rules in a particular case if the relief requested would not undermine the policy objective of the rule in question and would otherwise serve the public interest.³

The Commission may also take into account considerations of hardship and equity when evaluating a waiver request.⁴

These considerations justify a waiver of the Commission's stationkeeping tolerance requirements in this instance. Because of the technical anomaly affecting the E3 satellite, the spacecraft is not responding to the commands necessary to maintain it within its assigned stationkeeping volume. As a result, ESOC is unable to conform to the requirements of Section 25.210(j). Waiving the rule will allow ESOC to continue to attempt to regain control of the spacecraft and ESOC is taking all

² The E3 TT&C frequencies are as follows:

Command: 17.3015 GHz
Telemetry: 12.201 GHz
12.203 GHz
12.699 GHz

³ *PanAmSat Licensee Corp.*, 17FCC Red 10483, 10492 (Sat. Div. 2002) (footnotes omitted).

⁴ *WaitRadio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

practical steps to coordinate the safe operation of E3, including contacting the operators of neighboring satellites. E3 is expected to remain approximately 10-12km above the geostationary orbital arc which adds to its safe flight.

As discussed above, ESOC asks that the requested STA take effect immediately. The anomaly affecting E3 occurred suddenly and without warning, and is the type of extraordinary circumstance that warrants grant of authority on less than three business days' notice under Section 25.120(a).

For the foregoing reasons, ESOC respectfully requests expedited grant of this STA to permit the flight of E3 outside the satellite's assigned stationkeeping volume, and, if appropriate, operate the TT&C.

Respectfully submitted,

By: /s/ Jennifer A. Manner

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