

S2741 SAT-STA-20170728-00112 IB2017002080
EchoStar Satellite Operating Corporation
EchoStar 3



* with conditions

File # SAT-STA-20170728-00112

Call Sign S2741 Grant Date 07/28/17
(or other identifier)

Term Dates period of
From 07/28/17 To: 30 days

Approved: Stephen J. Dvall

Stephen J. Dvall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678

Date & Time Filed: Jul 28 2017 4:30:39:983PM
File Number: SAT-STA-20170728-00112
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 30 day STA for Safe Flight of EchoStar III

1. 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
EchoStar Satellite Operating Corporation
IBFS File No. SAT-STA-20170728-00112

IBFS File No(s):	SAT-STA-20170728-00112	<p>GRANTED – With Conditions</p>  <p>International Bureau Satellite Division</p>
Licensee/Grantee:	EchoStar Satellite Operating Corporation (EchoStar)	
Call Sign:	S2741	
Satellite Name:	EchoStar 3	
Orbital Location: (required station-keeping tolerance)	61.8 ° W.L. (see Scope of Grant)	
Administration:	United States of America	
Nature of Service:	Telemetry, Tracking and Command (TT&C)	
Scope of Grant:	Special temporary authority (STA) for a period of 30-days to conduct TT&C with the EchoStar 3 space station outside of its assigned stationkeeping volume of +/- 0.05 degrees at 61.8° W.L.	
Frequencies:	Telemetry: 12.201 GHz, 12.203 GHz, 12.699 GHz Command: 17.3015 GHz	
<p>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:</p> <ol style="list-style-type: none"> 1. EchoStar is required to accept interference from other lawfully operating space stations or radio communications systems 2. In the event of any harmful interference to other lawfully operating space stations or radio communications systems, EchoStar shall inform the Commission, in writing, immediately of such an event. 3. EchoStar must coordinate the operations of EchoStar 3 with existing geostationary space stations to ensure that no unacceptable interference results from its operations under this grant of STA 		
<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:	July 28, 2017	
Term Dates:	From: July 28, 2017	To: period of 30 days
Approved:	 Stephen J. Duall Chief, Satellite Policy Branch	

2. Contact	
Name: Jennifer A Manner	Phone Number: 3014285893
Company: EchoStar Satellite Operating Corporation	Fax Number: 3014282818
Street: 100 Inverness Terrace East	E-Mail: jennifer.manner@echostar.com
City: Englewood	State: CO
Country: USA	Zipcode: 80112 -
Attention:	Relationship: Legal Counsel
(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?	
<input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).	
<input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee	
<input type="radio"/> Other (please explain):	
4b. Fee Classification CRY – Space Station (Geostationary)	
5. Type Request	
<input type="radio"/> Change Station Location <input type="radio"/> Extend Expiration Date <input checked="" type="radio"/> Other	
6. Temporary Orbit Location	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.)

EchoStar Satellite Operating Corporation (ESOC) requests a 30 day STA and waiver of station keeping (47 C.F.R. S.25.210(j)) to permit safe flight of EchoStar III, currently outside of its assigned stationkeeping volume at 61.8 WL +/- 0.05 degrees, and 86.85 WL at +/- 0.05 degrees under its current temporary authority.

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: Question 36

Attachment 3: Question 40

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).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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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.

**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 *Wait Radio 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

Jennifer A. Manner
Senior Vice President, Regulatory Affairs
EchoStar Satellite Operating Corporation
100 Inverness Terrace East
Englewood, CO 20876
(301) 428-5893

Dated: July 28, 2018