

S2653 SAT-STA-20170816-00118 IB2017002283
EchoStar Satellite Operating Corporation



File # SAT-STA-20170816-00118

Call Sign S2653 Grant Date 8/17/17

(or other identifier)

Approved by OMB
3060-0678

Term Dates
From 8/17/17 To: +60 days

Date & Time Filed: Aug 16 2017 10:04:48:723AM
File Number: SAT-STA-20170816-00118
Callsign: S2653

Approved: Kathryn J. Melley
Chief Satellite Engrs. Br.

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:
STA to Move EchoStar 12 (Call Sign S2653) to 86.4 W.L.

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-20170816-00118

IBFS File No(s):	SAT-STA-20170816-00118	<p>GRANTED – With Conditions</p>  <p>International Bureau Satellite Division</p>
Licensee/Grantee:	EchoStar Satellite Operating Corporation	
Call Sign:	S2653	
Satellite Name:	EchoStar 12	
Orbital Location: (required station-keeping tolerance)	86.4° W.L. (+/- 0.05 degrees)	
Administration:	United States of America	
Nature of Service:	Broadcasting Satellite Service (BSS)	
Scope of Grant:	EchoStar is authorized for a period of 60-days beginning on or before August 21, 2017, to drift the EchoStar 12 space station from the 61.2° W.L. orbital location to the 86.4° W.L. orbital location and provide Broadcast Satellite Service from the 86.4° W.L. orbital location.	
Previous Grant(s):	IBFS File No. SAT-STA-20170206-00013	
Service Area(s):	Columbia, South America	
Frequencies:	12.2-12.7 GHz (space-to-Earth) 17.3-17.8 GHz (Earth-to-space) Telemetry: 12.205 GHz, 12.697 GHz Command: 17.304 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 12's drift from the 61.2° W.L. orbital location to the 86.4° W.L. orbital location, and operations from the 86.4° 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 12's drift to the 86.4° W.L. orbital location, EchoStar must immediately eliminate all interference. In the event of harmful interference during EchoStar 12's operations at 86.4° 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 86.4° W.L. orbital location, EchoStar must operate only the telemetry, tracking, and command frequencies authorized for EchoStar 12, and must not operate the communications payload.
4. EchoStar must maintain full operational control of Echo Star 12 at all times during the drift and operations from the 86.4° 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.
6. EchoStar must comply with the applicable laws, regulations, rules and authorization process of any country in which it provides service.

ATTACHMENT TO GRANT
EchoStar Satellite Operating Corporation
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7. Grant of this special temporary authority is without prejudice to any action on IBFS File No. SAT-MOD-20170626-00099.
8. EchoStar must notify the Commission in writing of the date it starts the drift of EchoStar-12 from the 61.2° W.L. orbital location.

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).

**Action
Date:**

August 17, 2017

Term Dates

From:

August 17, 2017

To:

see conditions

Approved:



Kathryn Medley
Chief, Satellite Engineering 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 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

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 special temporary authority to move and operate satellite at the 86.4 W.L. orbital location. See attached 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: Exhibit 1

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).

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 August 21, 2017, to (i) move and operate the EchoStar 12 satellite (Call Sign S2653) at 86.4° W.L. for a brief period; and (ii) operate five earth stations in Blackhawk, South Dakota (Call Signs E020248 and E150098), Quicksburg, Virginia (Call Sign E070273), Gilbert, Arizona (Call Sign E070014), and Cheyenne, Wyoming (Call Sign E980005) for telemetry, tracking, and control ("TT&C") communications on the following frequencies during EchoStar 12's temporary move and operations at 86.4° W.L.:¹

EchoStar 12 Uplink Frequencies	EchoStar 12 Downlink Frequencies
TC1: 17.304 GHz	TM1: 12.205 GHz TM2: 12.697 GHz TM3: 12.205 GHz

Under the requested STA (and subject to STA renewal), EchoStar 12 will operate at 86.4° 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. The Schedule S and Technical Annex filed with the

¹ EchoStar currently has pending modification applications to move and operate EchoStar 12 at 86.4° W.L., as well as to operate associated earth stations for TT&C communications (the "Modification Applications"). See IBFS File Nos. SAT-MOD-20170626-00099, SES-MFS-20170626-00678 & SES-MFS-20170626-00677 (June 26, 2017); SES-MOD-20170804-00867 & SES-MOD-20170804-00869 (Aug. 4, 2017).

Modification Applications contain certain technical and orbital debris mitigation information regarding EchoStar 12's proposed operations at 86.4° W.L.

I. BACKGROUND

Launched in July 2003, the EchoStar 12 satellite is capable of operating in the 17.3-17.8 GHz broadcast-satellite service ("BSS") feeder uplink (ITU Appendix 30A) and 12.2-12.7 GHz BSS downlink (ITU Appendix 30) bands. In 2014, the Commission extended EchoStar 12's license term for an additional 9 years until July 31, 2022. For the past several years, EchoStar 12 has been operating as an in-orbit spare at the 61.5° W.L. orbital cluster, providing backup capacity for service (via DISH Network Corporation) to millions of satellite television subscribers.

EchoStar 12 currently operates as an in-orbit spare at 61.2° W.L. on a regular basis, pursuant to notification under 47 C.F.R. § 25.118(e). The satellite is capable of safe transition to, and operation from, the 86.4° W.L. orbital location.

To accommodate the needs of its customer and development partner, SES Satellites (Gibraltar) Ltd. ("SES"), EchoStar seeks to move and operate EchoStar 12 at 86.4° 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 and operate EchoStar 12 at 86.4° W.L. to provide capacity currently offered by NIMIQ-1 for a brief period of a few months.

Upon completion of NIMIQ-1's temporary operations, EchoStar 12 will no longer be required to provide replacement capacity for existing NIMIQ-1 services, and consequently will operate at 86.4° W.L. on a regular basis, subject to Commission approval.²

II. THE PROPOSED STA OPERATIONS WILL SERVE THE PUBLIC INTEREST

The proposed STA operations at 86.4° 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."³ Thus, the Commission "will generally grant a [satellite] licensee's request to modify its system, provided there are no compelling countervailing public interest considerations."⁴ Consequently, the proposed STA operations at 86.4° W.L. will serve the public interest by allowing EchoStar the flexibility to determine how best to meet the needs of its customers.⁵ At the same time, as noted in Section III below, EchoStar 12 will operate under the requested STA on an unprotected, non-harmful interference basis, thus ensuring no harmful interference to other authorized services.

² See *supra* n.1.

³ *AMSC Subsidiary Corporation*, 13 FCC Rcd 12316, ¶ 8 (IB 1998).

⁴ *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").

⁵ 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 12's STA operations at 86.4° 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 12 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 12 at all times.
3. EchoStar will maintain EchoStar 12 at 86.4° 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.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

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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.