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January 19, 2006

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **EchoStar Satellite L.L.C.**
Authorization to Operate Earth Stations with Telesat Canada's Anik F3 Satellite
File Nos. SES-LFS-20040831-01253 and SES-LIC-20050621-00799

Dear Ms. Dortch:

Pursuant to Sections 25.137 and 25.165 of the Commission's Rules, 47 C.F.R. §§ 25.137 and 25.165, and paragraph 35 of the Blanket Licensing Order,¹ EchoStar Satellite L.L.C. ("EchoStar") hereby submits a copy of a \$3 million bond (attached hereto as Attachment 1) to secure compliance with the implementation milestones set forth in that Order. The earth stations are authorized to communicate with the Canadian-licensed Anik F3 satellite operated by Telesat Canada at the 118.7° W.L. orbital location.

In addition, EchoStar submits evidence to show that three of the four implementation milestones for the Anik F3 satellite have already been met and accordingly requests that it be permitted to

¹ *EchoStar Satellite, LLC; For Blanket Authorization To Operate 1,000,000 Receive-Only Earth Stations To Provide Direct-to-Home Fixed Satellite Service in the United States Using the Canadian-Authorized ANIK F3 Satellite at the 118.7 [degrees] W.L. Orbital Location; For Authority to Operate Two 9.0 Meter Antennas in the Ku-band in Cheyenne, Wyoming, Order and Authorization, DA 05-3227 (released Dec. 20, 2005) ("Blanket Licensing Order")*.

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Office of Secretary

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Satellite Division
International-Bureau

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reduce the amount of the bond from \$3 million to \$750,000.² Attached hereto is a declaration by Telesat Canada's, David Wendling, attesting to the fact that critical design review for the Anik F3 satellite has been completed, that physical construction of the satellite is substantially completed and that the satellite is scheduled to be launched in August 2006.³ EchoStar also submits photographs of the satellite as the bus and payload modules are being integrated just prior to undergoing thermal vacuum testing phase.⁴

The International Bureau previously has reduced the bond amount for Loral Skynet do Brasil's ("Loral Skynet") Telstar 14 satellite on the basis of similar evidence.⁵ In that case, Loral Skynet submitted the declaration of its Vice President of Satellite Engineering and Program Management to assert that the construction of the satellite had been completed and that the satellite had been shipped to the launch facility.⁶ Loral Skynet also provided photographs of the completed satellite. Based on this evidence, the Commission determined that Loral Skynet had complied with three of the four milestone requirements for Telstar 14, and accordingly reduced Loral Skynet's bond requirement by 75%.⁷ While the construction of Anik F3 is not complete, it is substantially completed, as demonstrated by the attached evidence. Therefore, the Bureau should reach the same conclusion here and permit EchoStar to reduce the bond requirement for the Anik F3 satellite to \$750,000.

Please contact the undersigned if you have any questions regarding this matter.

Respectfully submitted,

Philip L. Malet

Counsel for EchoStar Satellite L.L.C.

² See 47 C.F.R. § 25.165(d) ("A GSO licensee will be permitted to reduce the amount of the bond by \$750,000 upon successfully meeting a milestone deadline set forth in Section 25.164(a) of this chapter.").

³ Declaration of David Wendling (attached hereto as Attachment 2).

⁴ See Declaration of David Wendling, Attachment 1.

⁵ *Loral Skynet do Brasil, Petition for Declaratory Ruling to Add Estrela do Sul 1, a Ku-band Satellite, to the Permitted Space Station List*, Order, 18 FCC Rec 26751, at ¶14 (rel. Dec. 23, 2003) ("Loral Order").

⁶ Letter from John Stern, Esq., Counsel for Loral Skynet do Brasil, to Tom Tycz, Chief, Satellite Division, International Bureau (filed Dec. 2, 2003).

⁷ Loral Order at 14.

ATTACHMENT 1
Executed Bond

License and/or Permit Continuous Bond

KNOW ALL MEN BY THESE PRESENTS, that we, **EchoStar Satellite L.L.C.**, as Principal, and **Fidelity and Deposit Company of Maryland**, as Surety, are held and firmly bound unto the United States Treasury, as Oblige, in the maximum penal sum of **Three Million Dollars (\$3,000,000.00)**, as such maximum penal sum may be reduced pursuant to the terms and conditions set forth below, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly, by these presents.

WHEREAS, the above bounden Principal has obtained a license or permit from the Federal Communications Commission ("FCC") for authority to construct, launch and operate a Geostationary Satellite pursuant to its applications, SES-LFS-20040831-01253, Call Sign E040344 and SES-LIC-20050621-00799, Call Sign E050181, in accordance with the terms and conditions set forth in its authorization, including the filing of this bond with the FCC pursuant to the procedures set forth in Public Notice, DA 03-2603, 18FCC Red 16283, (2003); and

WHEREAS, the Principal is required by law to file with the FCC a bond conditioned as hereinafter set forth;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall well and truly perform each and every obligation set forth below at the time and in the manner specified during the term of this bond, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED HOWEVER, that this bond is subject to the following conditions:

1. The Geostationary Satellite authorized by the FCC must be constructed, launched and placed in operation in accordance with the technical parameters and terms and conditions of the grant authorization by the following specified time periods (milestones):
 - a. Execute a binding contract for construction by (12/20/2006);
 - b. Complete the Critical Design Review by (12/20/2007);
 - c. Commence construction by (12/20/2008); and
 - d. Launch and begin operations by (12/20/2010).
2. Upon completion of each milestone, confirmation of which will be filed with the FCC by the Principal, and issuance of a Public Notice by the FCC confirming same, the maximum penal sum of the bond shall be reduced by \$750,000.00 via a rider to this bond sent to the FCC and the Obligee.
3. In the event of a Notice of Default (i.e., an order or public notice revoking the Principal's authorization) issued by the FCC to the Principal and the Surety regarding the performance of the milestones specified above during the term of this bond, the Surety shall be liable only up to the current outstanding maximum penal sum amount after applicable milestone reductions. It is also understood and unconditionally agreed that upon receipt of such Notice of Default, the sole remedy under this bond will be the tender of payment of the current outstanding maximum penal sum of the bond within thirty (30) business days of such Notice of Default.

Any such Notice of Default made under this Bond shall be made in writing and shall be given by a personal delivery or expedited delivery service, postage pre-paid, addressed to the parties at the addresses specified below:

To the Surety: Fidelity and Deposit Company of Maryland
Attn: Surety Claims
3910 Keswick Rd
Baltimore, MD 21211

To the Principal: EchoStar Satellite L.L.C.
Attn: General Counsel
9601 S. Meridian Blvd.
Englewood, CO 80112

4. No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein or the heirs, executors, administrators or successors of the Obligee.

5. If any conflict or inconsistency exists between the Surety's obligations or undertakings as described in this bond and as described in other documents, statutes or regulations, then the terms of this bond shall prevail.

PROVIDED FURTHER, that regardless of the number of years this bond shall continue or be continued in force and of the number of premiums that shall be payable or paid the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the current outstanding maximum penal sum of this bond.

PROVIDED FURTHER, that this bond shall be effective on the 13th day of January, 2006, and shall cease at such time as the FCC confirms that the Principal has satisfied all of the milestones set forth in paragraph 1 above, unless earlier cancelled as provided below.

PROVIDED FURTHER, that if the Surety shall so elect, this bond may be cancelled by the Surety as to subsequent liability by giving thirty (30) days notice in writing to said Obligee and Principal.

Signed, sealed and dated the 13th day of January, 2006.

Principal: ~~EchoStar~~ **Satellite L.L.C.**

By: _____

Name:
Title:

Surety: **Fidelity and Deposit Company of Maryland**

By: _____

Name: Amy Wickett
Title: *Attorney-in-Fact*

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, corporations of the State of Maryland, by WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **William M. O'CONNELL, JR., Shelley CZAJKOWSKI, Celeste T. HELMS, Garry L. WESSELINK, Karen A. FEGGESTAD, Mona D. WEAVER, Deanna M. ROBICHAUD and Amy WICKETT, all of Denver, Colorado, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of William M. O'CONNELL, JR., Shelley CZAJKOWSKI, Celeste T. HELMS, Garry L. WESSELINK, Karen A. FEGGESTAD, Mona D. WEAVER, Deanna M. ROBICHAUD, Amy WICKETT, dated April 21, 2004.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, this 28th day of February, A.D. 2005.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**



Eric D. Barnes

Eric D. Barnes Assistant Secretary

By:

William J. Mills

William J. Mills

Vice President

State of Maryland }
City of Baltimore } ss:

On this 28th day of February, A.D. 2005, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Companies aforesaid, and that the seals affixed to the preceding instrument is the Corporate Seals of said Companies, and that the said Corporate Seals and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn

Notary Public

My Commission Expires: July 14, 2007

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

EXTRACT FROM BY-LAWS OF COLONIAL AMERICAN CASUALTY AND SURETY COMPANY

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

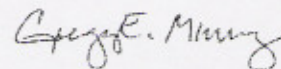
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the respective By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990 and of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies,

this 13th day of January, 2006.



Assistant Secretary

ATTACHMENT 2
Declaration of David Wendling



Telesat Canada
1601 Telesat Court
Gloucester, Ontario
K1B 5P4

**Declaration of David Wendling Regarding the Construction
Status of the Anik F3 Satellite**

I, David Wendling, declare under penalty of perjury under the laws of the United States of America that, to the best of my knowledge, information and belief, the foregoing is true and correct:

1. I am a Space Systems Director for Telesat Canada, operator of the Anik F3 satellite. I am responsible for the performance and operations of the Anik F3 satellite. My responsibilities include monitoring the progress of satellite construction, ensuring conformance of the satellite's performance and operation to specification, reviewing the results of design reviews and testing, and as part of the Space Systems senior management for authorizing any changes to the satellite's specifications.
2. Critical Design Review for the Anik F3 satellite has been completed and physical construction is substantially completed. The satellite currently is in thermal vacuum testing, which Telesat Canada expects to be completed by early February 2006, and the satellite is expected to be ready to ship from the factory in May/June 2006, in anticipation of an August 2006 launch date.
3. Attachment 1 to this declaration provides photographs of the Anik F3 satellite as the bus and payload modules are being integrated just prior to undergoing thermal vacuum testing as evidence that physical construction of the Anik F3 satellite is substantially completed.

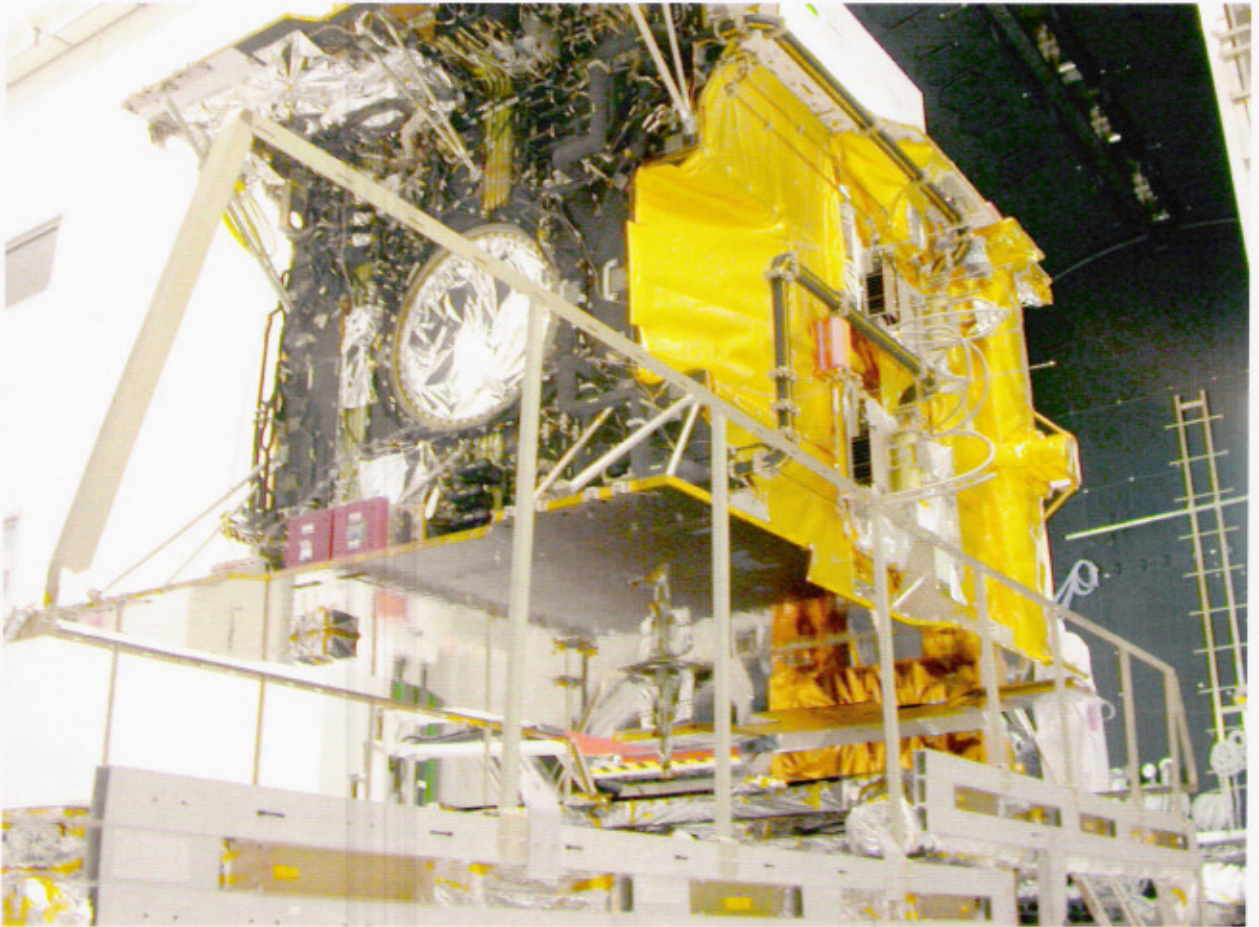
Executed on January 18, 2006

A handwritten signature in black ink, appearing to read "D. Wendling", written over a horizontal line.

David Wendling
Director Satellite Control

Attachment 1
To Declaration of David Wendling

Anik F3 Satellite - SCTV Chamber



Anik F3 Satellite - Service Module



Anik F3 Satellite - Coupling Phase

