

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

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In the Matter of	)	
	)	
<b>ECHOSTAR CORPORATION</b>	)	File No. SES-MFS-2011_____
	)	Call Sign E050196
Application to Modify Blanket Earth	)	
Station License to Add EchoStar 6,	)	
Operating as a Mexican-Licensed Satellite,	)	
as a Point of Communication at 76.95° W.L.	)	
	)	

**APPLICATION TO MODIFY BLANKET EARTH STATION AUTHORITY<sup>1</sup>**

EchoStar Corporation (“EchoStar”)<sup>2</sup> seeks to modify its authority to operate 1,000,000 receive-only earth stations in the United States to receive Direct Broadcast Satellite (“DBS”) service from the 76.95° W.L. orbital location allotted by the International Telecommunication

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<sup>1</sup> In concurrence with this application, EchoStar is filing: (1) an application to transfer the EchoStar 6 satellite to QuetzSat, S. de R.L. de C.V. to facilitate reflagging under Mexican authority, and (2) applications for the modification of three transmit/receive earth stations to provide feeder link and on-station TT&C service for EchoStar 6 at 76.95° W.L. (Call Signs E070273, E980081, and E050017). EchoStar has been granted the following authority to operate the EchoStar 6 satellite at 76.95° W.L. under temporary U.S. authority: (1) space station STA to operate EchoStar 6 at 76.95° W.L., Stamp Grant, File Nos. SAT-STA-20110207-00026 (granted Feb. 11, 2011) (“*EchoStar 6 Application*”), SAT-STA-20110225-00036 (granted Mar. 1, 2011); and (2) earth station STA to provide TT&C and feeder link communication for EchoStar 6 at 76.95° W.L. (Call Signs E050017, E070273, and E980081), Stamp Grant, File Nos. SES-STA-20110207-00120, SES-STA-20110207-00121, SES-STA-20110207-00122 (granted Feb. 10, 2011); Stamp Grant, File Nos. SES-STA-20110225-00205, SES-STA-20110225-00203, SES-STA-20110225-00204 (granted Mar. 2, 2011).

<sup>2</sup> On February 24, 2011, EchoStar filed an application, which remains pending, requesting consent to the *pro forma* assignment of its blanket earth station license (Call Sign E050196) to EchoStar 77 Corporation. *See* File No. SES-ASG-INTR2011-00564 (filed Feb. 24, 2011). EchoStar requests that, in the event this application is granted prior to consummation of the *pro forma* assignment, that EchoStar be authorized to assign any authority granted in response to this request on a *pro forma* basis to EchoStar 77 Corporation.

Union (“ITU”) to Mexico.<sup>3</sup> Specifically, EchoStar seeks authority to add the EchoStar 6 satellite as a point of communication at 76.95° W.L., where it will be operated by QuetzSat, S. de R.L. de C.V. (“QuetzSat”) as a Mexican-licensed satellite. As the Commission is aware, QuetzSat is an affiliate of SES Latin America, S.A. (“SES-LA”) and SES S.A. (collectively, “SES”), with which EchoStar has entered into an agreement for the development of the Mexican BSS location at the nominal 77° W.L. orbital location.

The Commission recently granted EchoStar STA to relocate the EchoStar 6 satellite to, and operate it at, 76.95° W.L. in response to a single event upset (“SEU”) that temporarily affected the EchoStar 8 satellite at 77° W.L.<sup>4</sup> The transfer of traffic to EchoStar 6 was necessary to conduct tests on EchoStar 8 following the SEU without disrupting service to customers. Upon completion of the tests, EchoStar 6 will continue to supplement service to the United States from the nominal 77° W.L. orbital location, as described in the Technical Annex and Schedule S previously submitted to the Commission.<sup>5</sup>

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<sup>3</sup> See EchoStar Satellite L.L.C., *Order and Authorization*, 21 FCC Rcd. 4077 (2006) (“77° W.L. Order”), assigned and transferred to EchoStar Corporation, File Nos. SES-ASG-20071108-01575, SES-T/C-20071108-01566 (consummated Jan. 1, 2008). EchoStar is requesting a partial waiver of the processing fees payable for this application. See Attachment 1.

<sup>4</sup> As EchoStar stated to the Commission in a letter dated February 1, 2011, EchoStar believes that the SEU, which occurred on January 30, 2011, did not cause any significant or permanent damage that will affect EchoStar 8’s future operations. See Letter from Petra A. Vorwig, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC, filed in File No. SAT-T/C-20090217-00026 (Feb. 1, 2011).

<sup>5</sup> See *EchoStar 6 Application*. As noted in that application, the Schedule S was created based on an orbital location of 77.0° W.L.; however, EchoStar 6 will operate at 76.95° W.L. The 0.05° offset from the orbital position described in the Schedule S will affect the interference analysis provided in the Schedule S by only 0.003 dB for a 50 cm antenna, which in practical terms is negligible.

QuetzSat, which holds the Mexican concession for the BSS frequencies at the 77° W.L. slot,<sup>6</sup> has advised the Mexican Administration of its plan to operate EchoStar 6 under that concession to provide service to Mexico and the United States, and understands that the Mexican Administration has no objection to this plan. The two administrations have already exchanged letters regarding the use of EchoStar 4, EchoStar 1, and EchoStar 8, formerly U.S.-licensed satellites, at the nominal 77° W.L. orbital location.<sup>7</sup> Nevertheless, to the extent that the “reflagging” of EchoStar 6 is subject to the additional exchange of letters between the two administrations, EchoStar respectfully requests that the Commission proceed with the necessary preparation for the exchange. The letters can be solidly anchored on the precedent of the letter exchange concerning the other satellites.

## **I. BACKGROUND**

The nominal 77° W.L. orbital location is allotted to Mexico under the Region 2 Broadcasting-Satellite Service plan set forth in Appendices 30 and 30A to the international Radio Regulations. EchoStar currently operates three satellites -- EchoStar 1, EchoStar 4, and EchoStar 8 -- at the nominal 77° W.L. orbital location under Mexican authority issued to its partner, QuetzSat, and pursuant to a commercial agreement between EchoStar and SES (the

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<sup>6</sup> Secretariat of Communications and Transportation Vice-Ministry of Communications, Concesion Para Ocupar La Posicion Orbital Geoestacionaria 77° Oeste Asignada al Pais y Explotar Sus Respektivas Bandas de Frecuencias 12.2 – 12.7 GHz y 17.3-17.8 GHz, Asi como los Derechos de Emision y Recepcion de Señales, granted February 2, 2005, (“BSS Concession”), *filed in* File No. SAT-STA-2008-0616-00121, (“*EchoStar 8 STA Application*”), Attachment 2.

<sup>7</sup> See EchoStar Satellite L.L.C., *Order and Authorization*, 21 FCC Rcd. 4011 at Appendix A (2006); Stamp Grant, File No. SAT-T/C-20090217-00026 at Annex A (granted Sept. 17, 2010); Stamp Grant, File No. SAT-T/C-20090217-00027 at Annex A (granted Sept. 17, 2010).

“Agreement”).<sup>8</sup> The satellites are used by EchoStar’s customers, DISH Network L.L.C. (“DISH”) and DISH Mexico, to provide DBS service in the United States and Mexico, respectively. The U.S. service includes local-into-local programming in a number of markets in the southern United States.

EchoStar 6 will supplement the service currently provided from the 77° W.L. orbital location, and it will provide spare capacity that may be deployed quickly in response to a problem suffered by any of the satellites currently operating at that location. The importance of such spare capacity was recently made clear when EchoStar 8 experienced an SEU that temporarily affected its operations. EchoStar 4 has reached the end of its design life and has been retired from commercial service. As for EchoStar 1, a satellite launched in December 1995, it has limited capability (only up to 16 transponders), and thus it, too, is inadequate to serve as an in-orbit spare.

Because the anticipated arrival of QuetzSat-1 is not due until the fourth quarter of 2011, EchoStar now seeks to modify the licensing authority under which the EchoStar 6 satellite will operate at 77° W.L. Specifically, EchoStar requests that the EchoStar 6 satellite be authorized to serve the United States under Mexican authority, instead of U.S. authority. EchoStar understands that the use of the EchoStar 6 satellite at 77° W.L. is directly encompassed within the authority granted in QuetzSat’s existing concession.<sup>9</sup> Bringing EchoStar 6 into service under

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<sup>8</sup> See Satellite Relocation and Use Agreement for the 77° W.L. Orbital Location, as amended, *filed in EchoStar 8 STA Application*, Attachment 3. Amendment 2 to the Agreement authorizes EchoStar to operate the EchoStar 6 satellite at 77° W.L. pursuant to the Agreement. *See id.*

<sup>9</sup> That concession is not limited to the operations of any particular satellite at 77° W.L. *See BSS Concession*, at 4, *filed in EchoStar 8 STA Application*, Attachment 2 (defining the satellite system as “one or more satellites with associated frequencies and their control centers operating in an integral manner to make satellite capacity available for the rendering of satellite

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Mexican authority, pursuant to the Agreement among EchoStar and its partners, will allow QuetzSat to continue to meet its obligations under the BSS Concession and provide EchoStar additional capacity at 77° W.L. to provide DBS service into the United States.

## **II. THIS APPLICATION IS LEGALLY AND TECHNICALLY COMPLETE**

The legal qualifications of EchoStar to receive the requested authority are a matter of record with the Commission. EchoStar has previously submitted all of the technical information required by Sections 25.137 and 25.114 of the Commission's rules<sup>10</sup> in the Schedule S and Technical Annex attached to the *EchoStar 6 Application*, which is hereby incorporated by reference.

In addition, the proposed operation of EchoStar 6 at 76.95° W.L. to provide service to the United States is fully compliant with the Commission's technical rules. With respect to the geographic service requirements in Section 25.148(c) of the Commission's rules,<sup>11</sup> DBS service to Alaska and Hawaii is not technically feasible from the 76.95° W.L. orbital location, as the Commission recognized in granting EchoStar's request to transfer the EchoStar 8 satellite to QuetzSat for re-flagging under Mexican authority.<sup>12</sup>

## **III. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST**

Granting EchoStar's Application is in the public interest. As EchoStar described in its *EchoStar 6 Application*, the operation of EchoStar 6 at 77° W.L. will ensure the provision of \_\_\_\_\_ services").

<sup>10</sup> 47 C.F.R. §§ 25.114, 25.137.

<sup>11</sup> *Id.* § 25.148(c) (requiring service to Alaska and Hawaii "where such service is technically feasible").

<sup>12</sup> See Radio Station Authorization, File No. SAT-T/C-20090217-00026 (granted Sept. 17, 2010).

DBS service to the United States, including the provision of local-into-local service in the southern United States, and ensure continuity of receipt of both national and local programming for the subscribers of EchoStar's customer, DISH. The satellite will also provide much needed spare capacity at 77° W.L., which can quickly be deployed in the event of a problem on either EchoStar 1 or EchoStar 8, thereby protecting customers from a potential future loss of service.

Moreover, the public interest benefits from increasing the capacity of the U.S. DBS service provided from 76.95° W.L. can be achieved without causing harmful interference to other satellites. There is no DBS orbital location in the vicinity of 77° W.L. that is assigned to the United States (the closest U.S. location is 61.5° W.L.). There will likewise be no harmful interference from the operation of an additional satellite at 76.95° W.L. into Canada's DBS allotments at 72.5° W.L. and 82° W.L. There is an existing coordination agreement between Mexico and Canada regarding the Mexican 77° W.L. orbital location and the Canadian orbital locations 82° W.L. and 72.5° W.L. EchoStar will operate EchoStar 6 within the specifications of this coordination agreement, as well as the informal operator-to-operator arrangement it has established with DIRECTV to ensure compatibility among their satellites operating at 77° W.L. and 72.5° W.L. respectively.

#### **IV. CONCLUSION**

For the foregoing reasons, EchoStar respectfully requests that the Commission grant this application to add EchoStar 6, operating from 76.95° W.L. as a Mexican-licensed satellite, as a point of communication for EchoStar's blanket earth station authorization.

Respectfully submitted,

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March 14, 2011