

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

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In the Matter of	)	
	)	File No. SES-MFS-2011_____
<b>ECHOSTAR BROADCASTING CORPORATION</b>	)	Call Sign E980174
	)	
Application to Modify Its Transmit/Receive	)	File No. SES-MFS-2011_____
Earth Station Licenses to Add QuetzSat-1, a	)	Call Sign E980180
Mexican-Licensed DBS Satellite, at 77° W.L, as	)	
a Point of Communication and to Provide TT&C	)	File No. SES-MFS-2011_____
and Feeder Link Communications to QuetzSat-1	)	Call Sign E080058
_____	)	
	)	

**APPLICATION FOR MODIFICATION**

By this application, EchoStar Broadcasting Corporation (“EchoStar”) respectfully requests a modification of its authority to operate the above-referenced earth stations to add the Mexican-licensed, Direct Broadcast Satellite (“DBS”), QuetzSat-1, at 77° W.L. as a point of communication and to operate the earth stations as follows: (1) to provide telemetry, tracking and control (“TT&C”) operations and feeder link communications from two of its transmit/receive earth stations (Call Signs E980174 and E980180); and (2) to provide feeder link communications from one of its transmit/receive earth station (Call Sign E080058).<sup>1</sup>

EchoStar anticipates that QuetzSat-1 will launch sometime in October 2012. Once launched, EchoStar will perform in-orbit testing on QuetzSat-1 at the 67.1° W.L. orbital location

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<sup>1</sup> EchoStar was granted authorization for its transmit/receive earth station (Call Sign E080058) to add the EchoStar 1 and EchoStar 8 satellites as points of communication at the 77° W.L. orbital location. *See* Stamp Grants, File Nos. SES-AFS-20090130-00107 (granted Sep.13, 2010) (EchoStar 1); File No. SES-MOD-20080616-00795 (granted Nov. 3, 2008) (EchoStar 8). EchoStar also filed an application to modify its authority of its transmit/receive earth station (Call Sign E980180) to add EchoStar 8 as a point of communication. *See* File No. SES-MFS-20110419-00465 (filed Apr. 19, 2011).

and will then relocate the satellite to 77° W.L., pending grant of appropriate authority.<sup>2</sup>

Therefore, EchoStar requests action on this application by **October 30, 2011**, so that EchoStar may provide service to the continental United States (“CONUS”), Mexico, and Central America using the QuetzSat-1 satellite beginning on that date.<sup>3</sup>

For the reasons set forth herein, grant of this application will serve the public interest and will not cause any harmful interference. Accordingly, the Commission should grant the requested modification.

## **I. BACKGROUND**

The QuetzSat-1 satellite will supplement the service provided from the nominal 77° W.L. orbital location under a concession granted by Mexican authorities to QuetzSat, S. de R.L. de C.V. (“QuetzSat”), a Mexican company.<sup>4</sup> QuetzSat has an arrangement with SES Latin America S.A. and SES S.A to jointly exploit the 77° W.L. slot. QuetzSat-1 will operate under the control of QuetzSat and will provide service over 32 DBS transponders covering CONUS, Mexico, and

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<sup>2</sup> In addition to this application, EchoStar has separately applied for Special Temporary Authority for its transmit/receive earth stations (Call Signs E980005 and E070014) to provide TT&C during orbit raising maneuvers and to conduct in-orbit testing with QuetzSat-1 at 67.1° W.L., and to provide TT&C during its relocation to the nominal 77° W.L. orbital location. *See* File Nos. SES-STA-20110815-00956 (filed Aug. 15, 2011); SES-STA-20110815-00955 (filed Aug. 15, 2011).

<sup>3</sup> EchoStar’s affiliates, EchoStar 77 Corporation (“EchoStar 77”) and DISH Operating L.L.C., have applied to modify their respective blanket earth station licenses, Call Signs E050196 and E090020, to add QuetzSat-1 as a point of communication. *See* File Nos. SES-MFS-20110707-00793 (filed July 7, 2011); SES-MFS-20110707-00792 (filed July 7, 2011) (“Blanket Earth Station Modifications”).

<sup>4</sup> *See* Secretariat of Communications and Transportation Vice-Ministry of Communications, Concesion Para Ocupar La Posicion Orbital Geoestacionaria 77° Oeste Asignada al Pais y Explotar Sus Respectivas 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 Feb. 2, 2005) (“77° W.L. BSS Concession”), *filed in* File No. SAT-STA-20080311-00068 (English translation).

Central America. EchoStar's affiliate, EchoStar 77 Corporation ("EchoStar 77"), has contracted for the entire DBS service capacity of QuetzSat-1, which EchoStar 77 will make available to its customers, DISH Network L.L.C. ("DISH Network") and DISH Mexico, for Direct-to-Home television service in the United States and similar services in Mexico.<sup>5</sup>

On July 7, 2011, EchoStar 77 and DISH Operating L.L.C. (a direct subsidiary of DISH Network) filed applications to modify their respective blanket earth station authorizations (Call Signs E050196 and E090020) in order to add QuetzSat-1 as a point of communication at the nominal 77° W.L. orbital location.<sup>6</sup> Additionally, both asked the Commission to waive Sections 25.215 and 25.210(i)(1) of the Commission's rules to permit QuetzSat-1 to be operated with less than 30 dB cross-polarization isolation over certain regions.<sup>7</sup> EchoStar 77 and DISH Operating L.L.C. demonstrated that granting the Blanket Earth Station Modifications would serve the public interest, would not cause any harmful interference, and would be fully consistent with the Commission's policies governing the provision of services into the United States from a foreign-licensed satellite.<sup>8</sup>

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

As the Commission has previously found, deployment of new DBS capacity serves the public interest, convenience, and necessity.<sup>9</sup> The grant of this application is in the public interest

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<sup>5</sup> Both redacted and unredacted, confidential copies of the agreements between (1) EchoStar 77 and SES-LA, and (2) EchoStar 77 and DISH Network were provided in the Blanket Earth Station Modifications as Attachments 1A and 1B, respectively.

<sup>6</sup> See Blanket Earth Station Modifications.

<sup>7</sup> 47 C.F.R. §§ 25.215, 25.210(i)(1).

<sup>8</sup> See *id.*

<sup>9</sup> See, e.g., *DIRECTV Enterprises*, 14 FCC Rcd. 13159 (1999).

because it will provide DISH Network with access to much needed DBS spectrum to provide service to the United States. QuetzSat-1 will add 32 DBS transponders (24 of which will be available to DISH Network) at the nominal 77° W.L. orbital location, substantially increasing DISH Network's ability to provide service from that orbital location. This will result in a greater variety and quality of programming services available to U.S. consumers, including high definition ("HD") television services. It will allow DISH Network to compete more effectively with established cable operators in the multichannel video programming distribution market and respond to Commission requirements to provide more HD programming.

### **III. GRANT OF THIS APPLICATION WILL NOT CAUSE HARMFUL INTERFERENCE**

The grant of this application also will not present any significant risk of harmful interference to other U.S. and non-U.S. satellites. There is no DBS orbital location in the vicinity of 77° W.L. that is assigned to the United States (the closest is 61.5° W.L.), and there will be no harmful interference from the operation of QuetzSat-1 at the nominal 77° W.L. orbital location with any satellites operating at the 72.5° W.L. and/or 82° W.L. DBS slots assigned to Canada. There is an existing coordination agreement between Mexico and Canada addressing interference issues regarding the Mexican 77° W.L. orbital location, and EchoStar understands that QuetzSat will comply with that agreement and/or with any future coordination agreements. Similarly, QuetzSat-1 will be operated in full conformity with the 1996 Mexican ITU modification over all points in Canada and the United States.

### **IV. SECTION 304 WAIVER**

In accordance with Section 304 of the Communications Act of 1934, 47 U.S.C. § 304, EchoStar hereby waives any claim to the use of any particular frequency or of the

electromagnetic spectrum because of the previous use of the same, whether by license or otherwise.

**V. CONCLUSION**

For the foregoing reasons, EchoStar respectfully requests the grant of this application, commencing on October 30, 2011, to add QuetzSat-1, operating at 77° W.L. as a Mexican-licensed satellite, as a point of communication for the referenced earth stations in order to perform TT&C operations and feeder link communications with EchoStar's transmit/receive earth stations (Call Signs E980174 and E980180), and to provide feeder link communications with EchoStar's transmit/receive earth station (Call Sign E080058).

Respectfully submitted,

**EchoStar Broadcasting Corporation**

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