

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

In the Matter of:

**EchoStar Corporation**

Application for Modification of Two Earth Station Authorizations (Call Signs E980118 and E020233) to Communicate with DBSD G-1 Satellite Using C-Band Frequencies

File No. SES-MOD-2012\_\_\_\_ - \_\_\_\_  
Call Sign E980118

File No. SES-MOD-2012\_\_\_\_ - \_\_\_\_  
Call Sign E020233

**APPLICATION FOR MODIFICATION**

**I. INTRODUCTION**

EchoStar Broadcasting Corporation (“EBC”) hereby requests a modification of two earth station authorizations (Call Signs E980118 and E020233) (1) to add the New DBSD Satellite Services G.P. (“DBSD”) G-1 satellite (Call Sign 2651) operating at 92.85° W.L. as a point of communication, and (2) to the extent necessary, to request waiver of Section 25.202(g), 47 C.F.R. § 25.202(g), to allow EBC to provide telemetry, tracking, and control (“TT&C”) for the DBSD G-1 satellite using C-band frequencies for limited emergency or contingency operations, should the need arise, and for periodic reliability testing.

**II. BACKGROUND**

DBSD G-1 is a UK-flagged satellite operating at the 92.85° W.L. orbital location, authorized under a Letter of Intent (“LOI”) to provide MSS using the 2000-2010 and 2190-2200 MHz band, feeder-link transmissions using 18.55-18.8/19.7-20.2 GHz (Earth-to-space) and 29.25-30.0 GHz (space-to-Earth), and TT&C transmissions at 29.9955 and 29.9995 GHz

(command), and 20.1965 and 20.1985 GHz (telemetry).<sup>1</sup> On March 2, 2012, the Commission approved the transfer of control over DBSD’s authorizations, including the LOI authorization for the G-1 satellite, to DISH Network Corporation (“DISH”).<sup>2</sup> EBC provides technical and operational support for the G-1 satellite.

### **III. THE REQUESTED WAIVER IS IN THE PUBLIC INTEREST**

Section 25.202(g) of the Commission’s rules requires operators of “U.S. domestic satellites” to conduct their TT&C functions in the same frequency bands in which they are providing service, and using frequencies designed to minimize interference into other satellite networks.<sup>3</sup> The International Bureau has deferred requests from DBSD to use the C-band for TT&C until DBSD presented the issue “in the context of an earth station application that seeks authority to use C-band” to communicate with the DBSD G-1 satellite—the very subject of this modification and waiver request.<sup>4</sup>

The Commission may waive its rules for good cause shown, particularly where strict compliance with a rule is inconsistent with the public interest when taking “into account

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<sup>1</sup> See Stamp Grant, File Nos. SAT-MOD-20070919-00129, SAT-AMD-20071129-00166 (Apr. 2, 2008).

<sup>2</sup> See DBSD North America, Inc., Debtor-in-Possession; New DBSD Satellite Services G.P., Debtor-in-Possession; Pendrell Corporation, Transferor; and TerreStar License Inc., Debtor-in-Possession; Assignor, and DISH Network Corporation, Transferee; and Gamma Acquisition L.L.C.; Assignee Applications for Consent to Assign/Transfer Control of Licenses and Authorizations of New DBSD Satellite Services G.P., Debtor-in-Possession and TerreStar License Inc., Debtor-in-Possession, IB Docket No. 11-150, Order, DA 12-332 (rel. Mar. 2, 2012).

<sup>3</sup> 47 C.F.R. § 25.202(g).

<sup>4</sup> See Stamp Grant, File Nos. SAT-MOD-20070919-00129, SAT-AMD-20071129-00166 ¶ 3 (Apr. 2, 2008).

considerations of hardship, equity, or more effective implementation of overall policy.”<sup>5</sup> Such a waiver is decidedly in the public interest here.

Grant of the requested waiver will not undermine the purpose of the rule. EBC is requesting permission to conduct TT&C over the C-band in exigent circumstances in order to maintain control of the satellite, decreasing the chance of loss of service both from the G-1 satellite itself and from satellites operating nearby should the G-1 satellite’s TT&C subsystem switch to the High Power Wide Angle contingency mode or its primary TT&C transponders fail. EBC also requests permission to conduct periodic (annual), fully coordinated reliability tests of the C-band TT&C frequencies. EBC’s use of the C-band for TT&C will not cause interference with any C-band satellites operating in the vicinity. The G-1 C-band TT&C frequencies are independently selectable in 250 kHz increments over 5 MHz bandwidth at the band edges, and can be changed in orbit if required, allowing flexibility to coordinate any temporary use of the C-band frequencies. Moreover, an agreement is in place with Intelsat, which has C-band authorization at the nominal 93° W.L. orbital location, to permit use of the frequencies requested herein when certain circumstances exist.<sup>6</sup> Strict application of Section 25.202(g), in other words, would needlessly increase the risk of losing service from DBSD and other nearby satellites, without decreasing the risk of harmful interference to those adjacent operators.

A waiver grant is also consistent with Commission precedent. The Commission permitted a Ka-band satellite operator, for example, to use the C-band for TT&C, concluding that the request did not present substantial coordination concerns because the licensee “has conducted preliminary discussions with satellite operators at adjacent orbital locations, and has

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<sup>5</sup> 47 C.F.R. § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

<sup>6</sup> *See New ICO Satellite Services G.P.*, 21 FCC Rcd. 14612 ¶ 15 n.43 (2006).

adjusted its TT&C frequency plan to address potential coordination difficulties.”<sup>7</sup> Such is the case here, with the added safeguard that any such out-of-band TT&C would be interim in nature.

#### **IV. CONCLUSION**

EBC respectfully requests waiver of Section 25.202(g) and grant of this application as in the public interest.

Respectfully submitted,

**EchoStar Broadcasting Corporation**

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/s/

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<sup>7</sup> See *Astrolink Int’l LLC*, 15 FCC Rcd. 23738 ¶ 9 (2000).