

RESPONSE TO QUESTION 36

In a letter dated May 27, 2009, the Satellite Division of the International Bureau (“IB”) returned the application of EchoStar Corporation (along with its subsidiaries, including EchoStar Broadcasting Corporation, “EchoStar”) to operate a geostationary C-band satellite at the nominal 85° W.L. orbital location as unacceptable for filing, without prejudice to refiling. *See* Letter from Robert G. Nelson, Chief, Satellite Division, to Pantelis Michalopoulos, Counsel for EchoStar Corporation, DA 09-1149 (rel. May 27, 2009).

On July 29, 2010, the IB dismissed EchoStar’s application to construct, launch, and operate a C-band satellite at the 84.9° W.L. orbital location. EchoStar Corporation, Application to Operate a C-Band Geostationary Satellite Orbit Satellite in the Fixed-Satellite Service at the 84.9° W.L. Orbital Location, *Memorandum Opinion and Order*, DA 10-1401 (rel. July 29, 2010).

On July 26, 2011, the IB declared null and void EchoStar’s authorization to construct, launch, and operate a new Direct Broadcast Satellite at 86.5° W.L. for failure to meet the critical design review milestone, and rejected EchoStar’s request to modify its 86.5° W.L. authorization to allow the in-orbit EchoStar 8 satellite to provide service from that orbital location. *See* EchoStar Corporation, Certifications of Milestone Compliance, *Memorandum Opinion and Order*, DA 11-1251 (rel. July 26, 2011). EchoStar has filed a petition for reconsideration of the IB’s decision, which is still pending. *See* EchoStar Satellite Operating Corporation, Petition for Reconsideration, File Nos. SAT-LOA-2003-0609-00113, SAT-MOD-2081229-00239, SAT-MOD-20101124-00244, SAT-AMD-20110330-00065 (filed Aug. 25, 2011).