EchoStar Corporation

Approved by OMB 3060-0678

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATIONEnter a description of this application to identify it on the main menu: Request to Renew Special Temporary Authority to E070014 with Nimiq 5 at 72.7 W.L.

1. Applicant

Name:

EchoStar Corporation

Phone Number:

303-723-1000

DBA Name:

Fax Number:

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E-Mail:

City:

Englewood

State:

CO

Country:

USA

Zipcode:

80112

Attention:

Linda Kinney - (202)293-0981

Call Sign CONDOLY Grant Date (0 (15 log (or other identifier)

From 10 (16 09 To: 12 (14 log)

Approved: Kathan Mullis

2. Conta	ct					
	Name:	Pantelis Michalopoulos	Phone Number:	202-429-6494		
	Company:	Steptoe & Johnson LLP	Fax Number:			
	Street:	1330 Connecticut Ave NW	E-Mail:	pmichalopoulos@steptoe.com		
	City:	Washington	State:	DC		
	Country:	USA	Zipcode:	20036 -		
	Attention:		Relationship:	Legal Counsel		
(If your application is related to an application filed with the Commission, enter either the file number or the IB Submission ID of the related application. Please enter only one.) 3. Reference File Number or Submission ID 4a. Is a fee submitted with this application? 15 If No. indicate reason for fee examption (see 47 C.F.P. Section 1.1114)						
	If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R.Section 1.1114).					
	Of Governmental Entity Of Noncommercial educational licensee Of Other(please explain):					
4b. Fee Classification CGX – Fixed Satellite Transmit/Receive Earth Station						
5. Type Request						
O Use Prior to Grant Change Station Location Other						
6. Reques	sted Use Prior l	Date				
7. CityGi	lbert		8. Latitude (dd mm ss.s h)	33 22 0.3 N		

9. State AZ	10. Longitude (dd mm ss.s h) 111 48 54.7 W						
11. Please supply any need attachments.							
Attachment 1: Narrative Attachment 2:	Attachment 3:						
12. Description. (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)							
EchoStar Corporation requests to renew its special temporary authority to operate its transmit/receive earth station to provide feeder link service to the Canadian-licensed Nimiq 5 satellite operating at 72.7 W.L. for an additional 60 days. See attached narrative.							
13. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti–Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of " party to the application" for these purposes.							
14. Name of Person Signing Linda Kinney	15. Title of Person Signing Vice President, Law and Regulation						
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).							

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

Application to Kenew Special Temporary Authority to Operate Call Signs E070014 and E080007 with the Canadian-Licensed Nimiq 5 Satellite at 72.7° W.L.	ECHOSTAR CORPORATION	In the Matter of:
File No. SES-STA-200990811-00986 File No. SES-STA Call Sign E080007	File No. SES-STA-20070011-00763 Call Sign E070014	E:10 No CEC CTA 20000011 00005

APPLICATION FOR SPECIAL TEMPORARY AUTHRORITY

operations to Nimiq 5 at 72.7° W.L. This STA is set to expire on October 15, 2008.² (Call Signs E070014 and E080007) to provide Direct Broadcast Satellite ("DBS") feeder link 60 days its special temporary authority ("STA") to operate two transmit/receive earth stations By this Application, 1 EchoStar Corporation ("EchoStar") seeks to renew for an additional

necessary to allow EchoStar, and its customer, DISH Network Corporation ("DISH Network"), satellite.³ That satellite was launched on September 18, 2009. This STA renewal application is license operating with EchoStar 6 at 72.7° W.L. to add the soon-to-be-launched Nimiq 5 On March 6, 2009, EchoStar submitted an application to modify its blanket earth station

¹ Concurrent with this application, EchoStar is filing an application to renew its special temporary authority to provide service from the Nimiq 5 satellite at 72.7° W.L. File No. SES-STA-2009 (filed Oct. 6, 2009).

⁽granted Aug. 17, 2009). ² See Stamp Grants, File Nos. SES-STA-20090811-00985, SES-STA-200990811-00986

^{00255,} SES-MFS-20090306-00254 (filed Mar. 6, 2009). EchoStar filed a minor amendment to provide a revised Schedule S on August 7, 2009. See File No. SES-AMD-20090807-00977 (filed Aug. 7, 2009). See also File Nos. SES-MFS-20090306-³ See File No. SES-MFS-20090306-00253 (filed Mar. 6, 2009) ("Nimiq 5 Application").

application is pending to provide DBS service to U.S. consumers from Nimiq 5 while EchoStar's modification

authority.5 requested authority to operate on up to 32 channels at 72.7° W.L. subject to its contractual channels beginning January 1, 2010. As noted in the Nimiq 5 Application, EchoStar has separate agreement with Bell ExpressVu granting EchoStar the right to obtain the additional 16 satellite's DBS transponders to provide service into the U.S.⁴ ExpressVu (the "Nimiq 5 Agreement"), EchoStar obtained the right to use up to 16 of the Transponder Service Agreement between EchoStar (and certain of its affiliates) and Bell Partner, Bell Express Vu Inc., a Canadian company ("Bell Express Vu"). Pursuant to the Nimiq 5 organized under the laws of the Province of Ontario in Canada, acting through its General use of all of the satellite's capacity to Bell Express Vu Limited Partnership, a limited partnership entire 12.2-12.7 GHz DBS band at the 72.7° W.L. location. Telesat has contracted to provide the the Broadcasting-Satellite Service ("BSS"). Canada has authorized Telesat Canada to use the been allotted to Canada under the International Telecommunication Union's Region 2 Plan for As EchoStar described in its Nimiq 5 Application, the 72.7° W.L. orbital location has EchoStar recently signed a

offer more local-into-local, high definition, and other programming from the 72.7° W.L. orbital 5, which provides better coverage and higher power than EchoStar 6, allowing DISH Network to interest because it will provide EchoStar's customer, DISH Network, immediate access to Nimiq As with the previously granted STA request, the grant of this application is in the public

Partnership and EchoStar Corporation, dated March 11, 2008, filed in Nimiq 5 Application Attachment B. See Nimiq 5 Transponder Service Agreement between Bell Express Vu Limited

⁵ Nimiq 5 Application, Narrative, at 3

on March 27, 2008, the Commission has imposed high definition digital carriage obligations on shortage with which DBS providers have perennially struggled. Moreover, by its Order released increased demand for high-definition programming have exacerbated dramatically the bandwidth retransmission of local-into-local stations. Specifically, the digital television transition and the bandwidth to accommodate the transmission of high-definition programming, including the EchoStar and DISH Network face an almost exponentially increased need for

rich terrestrial multichannel video programming distributors ("MVPDs"). ExpressVu, which will allow EchoStar and DISH Network to better compete with bandwidthchannels with better antenna coverage over Nimiq 5 through EchoStar's agreement with Bell EchoStar 6,⁷ they will have immediate access to 16, and future access to 32, higher power While EchoStar and DISH Network benefit from the 16 channels currently available from

competitive MVPD service. By the same token, authorizing EchoStar's earth stations (Call Sign and improved channel coverage from that orbital location, which translates into a more W.L. because EchoStar's customer, DISH Network, will have access to higher power channels The public interest will benefit from the redeployment of the Nimiq 5 satellite to 72.7°

Proposed Rulemaking, FCC 08-86 (rel. Mar. 27, 2008). 96, Second Report and Order, Memorandum Opinion and Order, and Second Further Notice of Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues, CS Docket No. 00-⁶ Carriage of Digital Television Broadcast Signals: Amendment of Part 76 of the

that location amendments to that agreement, the parties agreed to operate EchoStar 6 over 16 DBS channels at EchoStar 6 was to operate on 11 DBS channels from 72.7° W.L. As a result of subsequent Express Vu, effective March 11, 2008, and submitted in File No. SES-LFS-20080512-00595 7 Under the original Memorandum of Agreement among Telesat, EchoStar and Bell

link operations is also in the public interest. E070014 and E080007) to communicate with the Nimiq 5 satellite at 72.7° W.L. for DBS feeder

license or otherwise regulatory power of the United States because of the previous use of the same, whether by to the use of any particular frequency or of the electromagnetic spectrum as against the Communications Act of 1934, as amended, 47 U.S.C. § 304, EchoStar hereby waives any claim application to renew its special temporary authority. In accordance with Section 304 of the For all of these reasons, EchoStar respectfully requests the expeditious grant of this

Respectfully submitted,

EchoStar Corporation

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October 6, 2009

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