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

In the Matter of:	)	File No. SES-STA-20090130-00114
	)	File No. SES-STA-_____-_____
	)	Call Sign E980118
ECHOSTAR CORPORATION	)	
	)	File No. SES-STA-20090130-00113
Application for Renewal of Earth Station	)	File No. SES-STA-_____-_____
Special Temporary Authority to Operate the	)	Call Sign E020233
EchoStar 1 Satellite at 77.15° W.L. Pending	)	
the Grant of Related Applications and Re-	)	File No. SES-STA-20090130-00115
licensing as a Mexican-licensed Satellite	)	File No. SES-STA-_____-_____
	)	Call Sign E080058
	)	

APPLICATION FOR RENEWAL OF EARTH STATION SPECIAL TEMPORARY AUTHORITY

EchoStar Corporation ("EchoStar") hereby requests renewal of its special temporary authority ("STA") to operate three earth stations (Call Signs E980118, E020233, and E080058) to communicate with the EchoStar 1 satellite during its STA operations at 77.15° W.L.[1] EchoStar will continue to operate in accordance with the conditions set out in the June 2009 STA grants.[2] To the extent necessary, EchoStar also requests a waiver of the Commission's rules to

[1] Along with these applications for earth stations E980118, E020233, and E080058, EchoStar Corporation's affiliate, DISH Operating L.L.C., is requesting a renewal of its STA to operate the EchoStar 1 satellite as a U.S.-licensed satellite at the 77.15° W.L. location pending approval of the satellite's transfer to Mexican authority.

[2] *See* Stamp Grant, File No. SES-STA-20090130-00114 (granted July 22, 2009), Stamp Grant, File No. SES-STA-20090130-00113 (granted July 22, 2009), Stamp Grant, File No. SES-STA-20090130-00115 (granted July 22, 2009).

use two C-band frequencies for telemetry, tracking and command ("TT&C") during such operations. The current STAs for these earth stations expire on January 17, 2010.[3]

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 77° W.L.[4] Pursuant to that agreement, the EchoStar 4 satellite has already been deployed to 77° W.L. with the Commission's approval,[5] and EchoStar has requested Commission approval to modify its blanket earth station license to operate with the EchoStar 8 satellite as a Mexican-licensed satellite from 77.0° W.L.[6]

EchoStar 77 Corporation, a wholly-owned subsidiary of EchoStar, recently entered into Satellite Service Agreements with SES-LA and EchoStar's affiliate, DISH Network Corporation ("DISH Network") ("SSAs"). Under those agreements, QuetzSat will provide service to EchoStar 77 Corp. on its future QuetzSat-1 satellite over all 32 available channels at 77° W.L. subject to the receipt of all required approvals.[7] EchoStar 77 Corp., in turn, will provide service to its parent and DISH Network. The SSAs also allow DISH Network, through its subsidiary

---

[3] Stamp Grant, File No. SES-STA-20090130-00114, Stamp Grant, File No. SES-STA-20090130-00113, Stamp Grant, File No. SES-STA-20090130-00115.

[4] *See* 77° W.L. Agreement, *filed in* File No. SAT-STA-20080616-00121, Attachment 3 ("*EchoStar 8 Application*").

[5] *See EchoStar Satellite L.L.C.*, DA 06-868, 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).

[6] File No. SES-MFS-20080724-00977 (filed July 24, 2008).

[7] Sections 2.H(5) of the SSA between EchoStar 77 Corporation and SES Latin America, S.A. and the SSA between DISH Network Corporation and EchoStar 77 Corporation, *filed in* EchoStar Satellite Operating L.L.C., File No. SES-LFS-20090130-00106, Attachment 2 (filed Jan. 30, 2009) (granted June 12, 2009) ("*EchoStar 1 Application*").

DISH, to move an "Interim Satellite" to the 77° W.L. orbital location and use up to all 32 channels available at that location subject to the BSS Concession.[8] DISH has been operating EchoStar 1 at 77.15° W.L. since August 2009 under STA.[9] The EchoStar 1 satellite is intended to replace the EchoStar 4 satellite – which is nearing the end of its life – and will provide service to the United States and Mexico in conjunction with the EchoStar 8 satellite.[10] EchoStar 1 will operate at 77.15° W.L. until the planned launch of the QuetzSat-1 satellite to that orbital location in 2011.

QuetzSat, which pursuant to the BSS Concession was authorized by Mexico to use the BSS frequencies at the 77º W.L. slot,[11] has advised the Mexican Administration of its plan to replace the EchoStar 4 satellite with EchoStar 1 for service to Mexico and the United States (including temporary operation under U.S. authority pending re-licensing), and EchoStar understands that the Mexican Administration has no objection to this plan.

For the reasons set forth herein, grant of this Application will serve the public interest and not cause harmful interference to any authorized user of the spectrum. The continued operation of the EchoStar 1 satellite, along with EchoStar 8, at 77° W.L. augments the capacity that DISH

---

[8] *Id*.

[9] *See* File No. SAT-STA-20090130-00014 (granted June 12, 2009) ("*EchoStar 1 STA Application*").

[10] Amendment #4 to Satellite Relocation and Use Agreement for the 77° W.L. Orbital Location, *filed in EchoStar 1 Application*, Attachment 4. Note that EchoStar 4 and EchoStar 1 may both operate at 77° W.L. for a short period prior to the end-of-life disposal of the EchoStar 4 satellite.

[11] 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 February 2, 2005 ("*BSS Concession*"), *filed in* File No. SAT-STA-20080616-00121 (granted Oct. 31, 2008), Attachment 2.

has available to serve the United States from that Mexican 77° W.L. slot and results in a greater variety and quality of programming services, including high definition programming and local channels. In turn, the renewal of the STA to provide service during the period prior to "reflagging" EchoStar 1 under Mexican authority brings these benefits to the American public sooner rather than later.

I. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

The public interest benefits from EchoStar 1's operations at 77° W.L., as expressed in the EchoStar 1 STA Application, continue to hold true. DISH has been able to take advantage of the greater capabilities that EchoStar 1 brings to bear compared to EchoStar 4 to provide increased programming to U.S. consumers from 77° W.L. while QuetzSat constructs the QuetzSat-1 satellite. EchoStar 4 suffers from two infirmities: limited capacity and limited scope of coverage over the United States. The Commission found that even this limited service from the Mexican orbital slot at 77º W.L. "could serve the public interest by providing service to areas in the Southern U.S., including additional Spanish language programming to areas with significant Spanish-speaking populations."[12] The redeployment of EchoStar 1, alongside EchoStar 8, has achieved this and more, as it has ameliorated both of EchoStar 4's defects. By providing service from both EchoStar 1 and EchoStar 8 at 77° W.L., DISH has greater operational flexibility to maximize the amount of service available to U.S. consumers than if either satellite operated alone at 77° W.L. This greater operational flexibility provides the company with expanded capacity to provide high-definition services and additional high-definition local-into-local markets.

[12] *See* Grant of Authority ¶ 8, File No. SAT-STA-20080616-00121.

All of this has been achieved without any disruption in service and 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 is likewise no harmful interference from the operation of an additional satellite at 77° W.L. into Canada's DBS allotments at 72.5º W.L. and 82º W.L. There is, however, an existing coordination agreement between Mexico and Canada to address interference issues between 77° W.L. and 72.5° W.L. DISH will comply with the existing coordination agreement between Mexico and Canada to address interference issues between 77° W.L. and 72.5° W.L. and with any future coordination agreements. Similarly, with respect to Canadian operations at 82° W.L., DISH will operate in full conformity with the 1996 Mexican ITU modification over all points in Canada and the United States, as well as with the existing coordination agreements between the Administrations of Canada and Mexico and/or any future coordination agreements.

II. USE OF C-BAND FREQUENCIES FOR TT&C

As the Commission is aware, the EchoStar 1 satellite is equipped with TT&C beacons in the conventional C-band frequencies (specifically, 5926-5927 MHz and 6423-6424 MHz for command, and 4198.4-4198.6 and 4199.4-4199.6 MHz for telemetry and tracking). The Commission has already authorized the use of those frequencies to perform TT&C operations with EchoStar 1 at 148° W.L. on a non-protected, non-harmful interference basis,[13] and authorized the same use of such frequencies with EchoStar 1 at 77.15° W.L. for purposes of the initial STA.[14]

[13] *See EchoStar Satellite Corp. et al.*, 13 FCC Rcd. 8595, ¶ 23 (Sat. & Radiocom. Div. 1998).

[14] Stamp Grant, *EchoStar 1 STA Application*.

Consistent with this precedent, EchoStar respectfully requests a waiver of Section 25.202(g) (in-band TT&C) to the extent necessary to permit such operations for the duration of the current STA request. There is good cause for such a waiver.[15] First, the continued use of these frequencies for the conduct of TT&C with the EchoStar 1 satellite is essential, as the satellite is not equipped to receive commands or transmit telemetry and tracking information on any other frequencies. In addition, the continued use of these command frequencies on a non-protected, non-harmful interference basis will not increase the potential for interference with any lawful users of spectrum, as it will not conflict with the operations of any adjacent C-band satellite operators. The closest C-band satellite operating east of the 77° W.L. orbital location is Brasilsat B3 at 75° W.L.[16] The closest C-band satellite operating to the west of 77° W.L. is Venesat-1 at 78° W.L. EchoStar 1's TT&C communications in two slivers of the conventional C-band have not caused and will not cause any interference into the operations of either of these satellites. In addition, EchoStar notes that Mexico and Canada both consented to EchoStar 1's limited use of the C-band when the satellite was operating at 119° W.L. in these countries' portion of the C-band arc.[17]

III. WAIVER PURSUANT TO SECTION 304 OF THE ACT

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

---

[15] *See WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

[16] The Galaxy 4R satellite formerly operated at 76.8° W.L., but was deorbited earlier this year pursuant to Commission authority. *See* Grant of Authority, *filed in* File No. SAT-STA-20090123-00008 (granted March 25, 2009).

[17] *Id*.

electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

IV. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests that the Commission renew its special temporary authority to operate the above referenced earth stations with EchoStar 1 during the satellite's STA operations at 77.15° W.L.

Respectfully submitted,

/s/

Linda Kinney
Vice President, Law and Regulation
EchoStar Corporation
1110 Vermont Ave., N.W., Suite 750
Washington, DC 20005
(202) 293-0981

Pantelis Michalopoulos
Petra A. Vorwig
Stephanie A. Roy
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000
Counsel for EchoStar Corporation

December 2, 2009