

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:  
Special Temporary Authority to Operate E980081 with EchoStar 6 During Operation at 61.65 W.L.

**1. Applicant**

<b>Name:</b>	EchoStar Corporation	<b>Phone Number:</b>	303-723-1000
<b>DBA Name:</b>		<b>Fax Number:</b>	
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<b>City:</b>	Englewood	<b>State:</b>	CO
<b>Country:</b>	USA	<b>Zipcode:</b>	80112 -
<b>Attention:</b>	Linda Kinney - (202)293-0981		



File # SES-STA-20100203-00155  
Call Sign E980081 Grant Date 3/5/2010  
(or other identifier)  
Term Dates  
From 3/5/2010 To: 5/3/2010  
Approved: Jeanette O. Spriggs

**2. Contact**

<b>Name:</b>	Pantelis Michalopoulos	<b>Phone Number:</b>	(202)429-6494
<b>Company:</b>	Steptoe & Johnson LLP	<b>Fax Number:</b>	
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<b>City:</b>	Washington	<b>State:</b>	DC
<b>Country:</b>	USA	<b>Zipcode:</b>	20036 -
<b>Attention:</b>		<b>Relationship:</b>	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?

- If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).
- Governmental Entity     Noncommercial educational licensee
- Other (please explain):

4b. Fee Classification CGX – Fixed Satellite Transmit/Receive Earth Station

5. Type Request

- Use Prior to Grant                       Change Station Location                       Other

6. Requested Use Prior Date

7. City Cheyenne

8. Latitude  
(dd mm ss.s h) 41 7 58.3 N



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3. In light of the timing exigencies posed by this further, and unforeseen, loss, EchoStar requests action by no later than March 1, 2010.

EchoStar is currently operating two Direct Broadcast Satellite (“DBS”) service satellites at the nominal 61.5° W.L. orbital location – EchoStar 3 and EchoStar 12 (formerly Rainbow 1). As the Commission is aware, EchoStar 3 has experienced several transponder failures due to Traveling Wave Tube Amplifier (“TWTAs”) anomalies, and has been operating at reduced capacity.<sup>2</sup> On January 7, 2010, EchoStar 3 experienced another TWTAs anomaly further diminishing its operating capacity. As a result of this failure, EchoStar will not be able to maintain the current level of service provided from 61.5° W.L. unless it relocates at least one additional satellite to the orbital location. EchoStar, therefore, is separately requesting authority to relocate EchoStar 6 to 61.65° W.L. to supplement the service provided by EchoStar 3 and EchoStar 12 to maintain regular programming.<sup>3</sup> EchoStar is requesting authority in this application temporarily to operate the above referenced transmit/receive earth stations to provide TT&C and feeder link service for the satellite once it arrives at 61.65° W.L. In a separate application, EchoStar is requesting authority to operate these earth stations with EchoStar 6 during the relocation of the satellite to 61.65° W.L.

The concurrent operation of these satellites will ensure that EchoStar’s customer, DISH Network Corporation, will be able to continue providing DBS service to consumers without any

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<sup>2</sup> See EchoStar 3 Status Report, File No. SAT-STA-20090821-00092 (filed Dec. 30, 2009) (“EchoStar 3 Status Report”); *EchoStar Satellite Operating Corporation, Application for Extension and Modification of Special Temporary Authority to Operate Direct Broadcast Satellite Service over Channels 23 and 24 at the 61.5° W.L. Orbital Location*, Order and Authorization, 22 FCC Rcd. 22223, at ¶¶ 4-6 (2007).

<sup>3</sup> See Satellite STA Application.

service interruptions until EchoStar's EchoStar 15 satellite begins operating at 61.5° W.L.<sup>4</sup> EchoStar 15, a 32-transponder-capable DBS satellite, is expected to effectively replace EchoStar 3 and will be ready for launch by the fourth quarter of 2010.<sup>5</sup> Upon launch and successful testing of EchoStar 15, EchoStar currently expects to return EchoStar 6 to its current home – 72.7° W.L. EchoStar has been advised by its partner, Telesat Canada, which has the license for that Canadian orbital location, that the move from, and return to, 72.7° W.L. is not likely to cause regulatory concern on the part of Industry Canada. In any event, any redeployment of EchoStar 6 will take place after securing all necessary authority, and EchoStar will advise the Commission of any change in its plans.

**I. THIS APPLICATION IS IN THE PUBLIC INTEREST AND WILL NOT CAUSE HARMFUL INTERFERENCE**

This application is in the public interest for the reasons set forth in the Satellite STA Application, which are incorporated herein by reference. Furthermore, grant of this application will ensure the safe operation of EchoStar 6 at the 61.65° W.L. orbital location. Grant of this application also will not cause harmful interference because EchoStar will operate the earth stations to conduct TT&C and feederlink operations for the temporary operation of the EchoStar 6 satellite at 61.65° W.L. in accordance with the following conditions:

- 1) All operations at 61.65° W.L. shall be on a non-harmful interference basis, meaning that EchoStar shall not cause interference to, and shall not claim protection from, interference caused to it by any other lawfully operating satellites.

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<sup>4</sup> EchoStar has previously informed the Commission that it has initiated construction of the satellite at EchoStar's own risk, and intends to file an application seeking authority to launch and operate the satellite in the immediate future.

<sup>5</sup> See EchoStar 3 Status Report.

2) In the event that any harmful interference is caused while the satellite is operating at 61.65° W.L., EchoStar shall cease operations immediately upon notification of such interference and shall inform the Commission immediately, in writing, of such event.

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

## **III. CONCLUSION**

For the foregoing reasons, EchoStar respectfully requests the grant of its application for special temporary authority for 60 days to operate three transmit/receive earth stations (Call Signs E980081, E980082 and E070273) to provide TT&C and feederlink service for the EchoStar 6 satellite during its temporary operations at 61.65° W.L.

Respectfully submitted,

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/s/

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February 3, 2010