

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

)	
	)	File No. SES-STA-_____ - _____
	)	Call Sign E070015
)	
In the Matter of	)	File No. SES-STA-_____ - _____
	)	Call Sign E070273
ECHOSTAR CORPORATION)	
	)	File No. SES-STA-_____ - _____
Application for Special Temporary Authority	)	Call Sign E980127
To Operate Five TT&C Earth Stations)	
During the Relocation of EchoStar 6 to	)	File No. SES-STA-_____ - _____
61.65° W.L.	)	Call Sign E980081
)	
	)	File No. SES-STA-_____ - _____
	)	Call Sign E980082

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY¹

By this Application, EchoStar Corporation (“EchoStar”) requests special temporary authority (“STA”) for 60 days to operate five transmit/receive earth stations (Call Signs E070015, E070273, E980127, E980081, and E980082) to provide telemetry, tracking and control (“TT&C”) in the Broadcasting-Satellite Service (“BSS” or “DBS”) band for the EchoStar 6 satellite as it is relocated from its current location at 72.7° W.L. to 61.65° W.L., where it will temporarily supplement the operations of EchoStar 3 and EchoStar 12. EchoStar also requests temporary authority for the use of one narrow 14 GHz beacon (14002.5 MHz, specifically) for

¹ Concurrent with this application, EchoStar is filing (1) an STA application to move EchoStar 6 to, and operate it as an in-orbit spare at 61.65° W.L. (“Satellite STA Application”); (2) an application for authority to operate the satellite as an in-orbit spare at 61.65° W.L. and to activate the communications payload as needed; and (3) STA applications to operate three transmit/receive earth stations to provide TT&C and feeder link communications for EchoStar 6 once it is located at 61.65° W.L.

TT&C operations with Call Signs E070015 and E980127 during the relocation. This move is necessitated by the recent loss of additional transponder capacity on EchoStar 3. In light of the timing exigencies posed by this further, and unforeseen, loss, EchoStar requests action by no later than February 15, 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 (“TWTA”) anomalies, and has been operating at reduced capacity.² On January 7, 2010, EchoStar 3 experienced another TWTA 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 temporarily to relocate EchoStar 6 to 61.65° W.L. to supplement the service provided by EchoStar 3 and EchoStar 12 to maintain regular programming.³ EchoStar is requesting authority in this application to operate the above referenced transmit/receive earth stations to provide TT&C service for the satellite to support the relocation.

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

² 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. 2223, at ¶¶ 4-6 (2007).

³ See Satellite STA Application.

service interruptions until EchoStar's EchoStar 15 satellite begins operating at 61.5° W.L.⁴ 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 2010.⁵ 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 transfer of EchoStar 6 to 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 operations for the relocation of the EchoStar 6 satellite to 61.65° W.L. in accordance with the following conditions:

1. EchoStar will coordinate its TT&C operations with all potentially affected operating satellite networks.
2. No harmful interference will be caused to any lawfully operating satellite network or radio communication system and EchoStar operations will cease immediately upon notification of harmful interference. Further, EchoStar shall notify the Commission immediately, in writing, of such an event.

⁴ 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.

⁵ See EchoStar 3 Status Report.

3. EchoStar will accept interference from any lawfully operating satellite network or radiocommunication system.

II. USE OF THE 14 GHz BAND

EchoStar respectfully requests temporary authority for the use of one narrow 14 GHz beacon (14002.5 MHz, specifically) for TT&C operations during the relocation of the EchoStar 6 satellite to 61.65° W.L. with two of its earth stations (Call Signs E070015 and E980127). To the extent necessary, EchoStar is also requesting a waiver of the Commission's rules requiring satellites to conduct TT&C within their allocated bands.⁶ The Commission has previously granted a similar waiver to allow use of the 14 GHz band to transfer orbit TT&C operations in connection with this satellite.⁷

There is good cause for the requested waiver: it will solve a problem without creating one. The proposed use of the 14 GHz band will ensure that there is no interference to DIRECTV 1R at 72.5° W.L. as the EchoStar 6 satellite moves away from 72.7° W.L. Both EchoStar 6 and DIRECTV 1R were designed (*i.e.* "hard-wired") to receive telecommand communications on exactly the same 17 GHz frequency. Moreover, neither satellite is equipped to receive telecommand communications on any other frequency in the 17 GHz band. It is this intractable coincidence that necessitates the use of the 14,002.5 MHz telecommand beacon on the EchoStar 6 satellite during relocation. Once EchoStar 6 reaches 61.65° W.L., TT&C operations will be provided in the 17 GHz band.⁸

⁶ Ordinarily, U.S. domestic satellites must conduct TT&C functions at the edges of the allocated service bands. *See* 47 C.F.R. § 25.202(g). The Commission may waive this requirement for good cause shown. *See* 47 C.F.R. § 1.3.

⁷ *See* File No. SES-STA-20080512-00606 (Call Sign E070015) (granted Jul. 9, 2008).

⁸ *See* On-Station STAs.

Moreover, the proposed use of the 14 GHz band for TT&C operations during relocation will not cause any harmful interference to any adjacent satellite networks. EchoStar will use the 14 GHz frequency on the same coordinated, non-interference and non-protected basis as it did during its relocation to 72.7° W.L. and pursuant to the conditions outlined above.⁹

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 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 the grant of its application for special temporary authority for 60 days to operate five transmit/receive earth stations (Call Signs E070015, E070273, E980127, E980081, and E980082) over the 14002.5 MHz frequency to provide TT&C service for the EchoStar 6 satellite as it is relocated from its current location at 72.7° W.L. to 61.65° W.L.

⁹ See File No. SES-STA-20080512-00606 (Call Sign E070015) (granted Jul. 9, 2008).

Respectfully submitted,

/s/

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