

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 Relocation to 61.65 W.L.

1. Applicant

Name: EchoStar Corporation Phone Number: 303-723-1000
DBA Name: Fax Number:
Street: 100 Inverness Terrace East E-Mail:
City: Englewood State: CO
Country: USA Zipcode: 80112
Attention: Linda Kinney - (202)293-0981

with conditions please see the attached.



~~File # SES-STA-20100203-00158~~

~~Call Sign E980081 Class: ~~200~~ 02/12/10~~
(or other identifier)

~~Term Dates~~

~~From 02/12/10 To 03/12/10 30 days~~

~~Appr. ~~

Shahnaiz Ghavami

Attachment


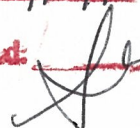
SES-STA-20100203-00158
Call Sign E980081

EchoStar is authorized to use the 17,305 MHz frequency for telecommand, and the 12,203 MHz and 12,204 MHz frequencies for telemetry, to effect the drift of the EchoStar 6 satellite from the 72.7° W.L. orbital location to the 61.65° W.L. orbital location.

EchoStar Corporation will coordinate its TT&C operations with all potentially affected operating satellite networks.

No harmful interference will be caused to any lawfully operating satellite network or radiocommunication system and EchoStar Corporation will cease immediately upon notification of harmful interference. Further, EchoStar Corporation shall notify the Commission within three days in writing of such an event.

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

 GRANTED International Bureau	File # <u>SES-STA-20100203-00158</u>
	Call Sign <u>E980081</u> Grant Date <u>02/12/10</u> (or other identifier)
	From <u>02/12/10</u> Term Dates <u>03/12/10</u> 30 days
	Approved:  ShahnaZ Ghavami

2. Contact	
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?	
<input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).	
<input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee	
<input type="radio"/> Other (please explain):	
4b. Fee Classification CGX – Fixed Satellite Transmit/Receive Earth Station	
5. Type Request	
<input type="radio"/> Use Prior to Grant	<input type="radio"/> Change Station Location
<input checked="" type="radio"/> Other	
6. Requested Use Prior Date	
7. CityCheyenne	
8. Latitude (dd mm ss.s h) 41 7 58.3 N	

9. State WY	10. Longitude (dd mm ss.s h) 104 44 9.1 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 seeks Special Temporary Authority to operate its transmit/receive earth station with the EchoStar 6 satellite during relocation to 61.65 W.L. The earth station will provide TT&C communications for EchoStar 6 during relocation. 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. Yes <input checked="" type="radio"/> No <input type="radio"/>	
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).	

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember — You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0678.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

**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/

Pantelis Michalopoulos
Petra A. Vorwig
L. Lisa Sandoval
Step toe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000
Counsel for EchoStar Corporation

Linda Kinney
Vice President, Law and Regulation
EchoStar Corporation
1233 20th Street, N.W.
Suite 302
Washington, DC 20036-2396
(202) 293-0981

February 3, 2010