

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 E980005 to Test EchoStar 14 While at 138.5 W.L. and While Relocating to 118.9 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		



File # SES-STA-20100219-00218

Call Sign E980005 Grant Date 3/11/2010
(or other identifier)

Term Dates
From Launch To: + 60 days

Approved: Kathleen M. Miller

Chief, Satellite Engng Br.

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?

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 56.4 N

9. State WY	10. Longitude (dd mm ss.s h) 104 44 10.4 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.) <div style="border: 1px solid black; padding: 5px; margin: 10px 0;">EchoStar Corporation seeks Special Temporary Authority to operate its transmit/receive earth station to test the EchoStar 14 satellite while at 138.5 W.L., and to perform TT&C operations while relocating the satellite to 118.9 W.L. See attached narrative.</div>	
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. <input checked="" type="radio"/> Yes <input type="radio"/> No	
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

In the Matter of)
)
)
) File No. SAT-STA-20100219-_____
ECHOSTAR CORPORATION) Call Sign E980005
)
)
) Application for Special Temporary Authority) File No. SAT-STA-20100219-_____
to Operate Its Transmit/Receive Earth) Call Sign E070014
Stations to Test the EchoStar 14 Satellite at)
138.5° W.L. and to Move the Satellite to)
118.9° W.L. Once Testing Is Complete)
)
)
)

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

EchoStar Corporation (“EchoStar”) respectfully requests 60-day Special Temporary Authority (“STA”), commencing on or about March 20, 2010, to permit EchoStar to operate its two transmit/receive earth stations (Call Signs E980005 and E070014) (1) to test its new EchoStar 14 satellite at the 138.5° W.L. orbital location in the 12.2-12.7 and 17.3-17.8 GHz bands, and (2) to perform telemetry, tracking and control (“TT&C”) operations while the satellite is relocated from 138.5° W.L. to 118.9° W.L. once testing is complete.¹ EchoStar’s sister company, DISH Operating L.L.C. (“DISH”), has filed a minor modification to its authorization to provide DBS service at 119° W.L. to allow it to launch and operate the EchoStar 14 satellite.²

¹ Simultaneous with this application, EchoStar’s sister company, DISH Operating L.L.C., is requesting (1) STA to launch and test EchoStar 14 at 138.5° W.L. and to move the satellite to 118.9° W.L. once testing is complete; (2) STA to operate EchoStar 14 at 118.9° W.L.; and (3) STA to relocate EchoStar 7 to 118.9° W.L.

² See File No. SAT-LOA-20090518-00053, Call Sign S2790 (filed May 18, 2009); amended by File Nos. SAT-AMD-20090604-00064 (filed June 4, 2009); SAT-AMD-20100212-00027 (filed Feb. 12, 2010) (“*EchoStar 14 Application*”).

As discussed below, testing EchoStar 14 at 138.5° W.L. will avoid disruption to existing customers at 118.9° W.L. and will not adversely affect the operations of any other spacecraft or other authorized spectrum users. EchoStar 14 is scheduled to launch on March 20, 2010, and EchoStar requests action on this request by that date.

I. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

The Commission has a long-standing policy of granting Special Temporary Authority where such authorization will not cause harmful interference and will serve the public interest, convenience, and necessity.³ The requested operations meet both of these tests.

First, testing EchoStar 14 at 138.5° W.L. will not cause harmful interference to any other spacecraft or authorized user of the spectrum. Although Canada has Broadcasting-Satellite Service (“BSS”) assignments in the ITU Region 2 Appendix 30/30A Plan at 137.8° W.L. and 138.2° W.L., there are no operational Canadian satellites at these orbital locations, nor are any satellites planned to be launched there during the time frame of EchoStar 14’s in-orbit testing at 138.5° W.L. Indeed, the closest operating BSS satellite to the 138.5° W.L. orbital location is Ciel 2 operating at 129.0° W.L.⁴ DISH currently leases capacity on Ciel 2 to provide DBS service to the United States and is confident it will be able to coordinate any potential interference, to the extent there is any, created by EchoStar 14’s temporary operations at 138.5° W.L. DISH is not aware of any other BSS satellites planned to be brought into operation near 138.5° W.L. during the time frame of EchoStar 14’s in-orbit testing.

³ See, e.g., *In the Matter of Newcomb Communications, Inc.*, Order and Authorization, 8 FCC Rcd. 3631, 3633 (1993); *In the Matter of Columbia Communications Corp.*, Order, 11 FCC Rcd. 8639, 8640 (1996); *In the Matter of American Telephone & Telegraph Co.*, Order, 8 FCC Rcd. 8742 (1993).

⁴ Furthermore, DISH has received notice from Industry Canada that it concurs with DISH’s plan to test EchoStar 14 at 138.5° W.L.

Second, testing EchoStar 14 at 138.5° W.L. serves the public interest, as it will allow DISH to ensure that the satellite is fully operational when it arrives at 118.9° W.L., thereby avoiding any interruption in service that otherwise might be associated with spacecraft testing. In similar circumstances, the Commission has previously allowed testing of new DBS satellites at the same orbital location.⁵

Once testing is complete, all transponders (other than the TT&C transponders) on the satellite will be turned off and the satellite will be moved to 118.9° W.L. where it will begin DBS operations.⁶ Just as it is in the public interest to operate EchoStar 14 at 118.9° W.L.,⁷ it is also in the public interest for the satellite to be moved to that location from its in-orbit testing location.

II. SECTION 304 WAIVER

In accordance with Section 304 of the Communications Act of 1934, 47 U.S.C. § 304, EchoStar hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum because of the previous use of the same, whether by license or otherwise.

III. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests the expeditious grant of a 60-day STA, commencing on or about March 20, 2010, to use its transmit/receive earth station to

⁵ See Stamp Grant, File No. SAT-STA-20060104-00002 (granted Feb. 3, 2006) (granting STA to launch and test EchoStar 10 at 138.5° W.L.); see also Stamp Grant, File No. SAT-STA-20050624-00136 (granted Aug. 19, 2005) (granting STA to drift DIRECTV 8 to 138° W.L. to conduct in-orbit testing).

⁶ DISH is separately requesting authority to move EchoStar 7 from 118.9° W.L. to 118.8° W.L. to better accommodate EchoStar 14 at 118.9° W.L. See SAT-STA-20100219-_____.

⁷ See *EchoStar 14 Application*, *supra*. The discussion contained in the Application is incorporated by reference.

test EchoStar 14 at 138.5° W.L. and to move the satellite to 118.9° W.L. once testing is complete. During in-orbit testing, EchoStar will operate its earth stations subject to the following conditions:

1. EchoStar will not cause harmful interference to, and will not claim protection from interference caused by, any other lawfully operating satellites or radiocommunications systems.
2. Upon notification of any harmful interference, EchoStar will cease its test operations immediately. In addition, EchoStar will inform the Commission in writing that it has received such a notification.

In addition, during the relocation of EchoStar 14 from 138.5° W.L. to 118.9° W.L., all transponders other than the TT&C transponders will be switched off, and EchoStar will operate its earth stations subject to the following conditions:

1. No harmful interference will be caused to any lawfully operating satellite network or radio communication system, and EchoStar's operations will cease immediately upon notification of harmful interference. Furthermore, EchoStar shall notify the Commission immediately, in writing, of such an event.
2. EchoStar will accept interference from any lawfully operating satellite network or radio communication system.

Respectfully submitted,

EchoStar Corporation

/s/

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February 19, 2010