

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

)	
	)	File Nos. SES-STA-20090130-00114
In the Matter of:	)	SES-STA-20091202-01528
	)	SES-STA-_____-_____
ECHOSTAR CORPORATION	)	Call Sign E980118
)	
Application for Renewal of Earth Station	)	File Nos. SES-STA-20090130-00113
Special Temporary Authority to Operate the	)	SES-STA-20091202-01529
EchoStar 1 Satellite at 77.15° W.L. Pending	)	SES-STA-_____-_____
the Grant of Related Applications and Re-	)	Call Sign E020233
licensing as a Mexican-licensed Satellite)	
	)	File Nos. SES-STA-20090130-00115
	)	SES-STA-20091202-01530
	)	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 July 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) (“*STA Applications*”).

use two C-band frequencies for telemetry, tracking, and command (“TT&C”) during such operations. The STAs for these earth stations expired on January 17, 2010,³ and all three earth stations have continued operating pending decisions on the STA renewal applications⁴ filed on December 3, 2009.⁵

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.⁶ Pursuant to that agreement, the EchoStar 4 satellite has already been deployed to 77° W.L. with the Commission’s approval,⁷ 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.⁸

EchoStar 77 Corporation, a wholly-owned subsidiary of EchoStar, 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

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 47 C.F.R. § 1.62(a).

⁵ File No. SES-STA-20091202-01528 (filed Dec. 3, 2009); File No. SES-STA-20091202-01529 (filed Dec. 3, 2009); File No. SES-STA-20091202-01530 (filed Dec. 3, 2009).

⁶ See 77° W.L. Agreement, *filed in* File No. SAT-STA-20080616-00121, Attachment 3 (“*EchoStar 8 Application*”).

⁷ 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).

⁸ File No. SES-MFS-20080724-00977 (filed July 24, 2008).

receipt of all required approvals.⁹ EchoStar 77 Corp., in turn, will provide service to its parent and DISH Network. The SSAs also allow DISH Network, through its subsidiary 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.¹⁰ DISH has been operating EchoStar 1 at 77.15° W.L. since August 2009 under STA.¹¹ 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.¹² 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 77° W.L. slot,¹³ 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

⁹ 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*”).

¹⁰ *Id.*

¹¹ See File No. SAT-STA-20090130-00014 (granted June 12, 2009) (“*EchoStar 1 STA Application*”). That STA grant has since been renewed. Stamp Grant, File No. SAT-STA-20091202-00138 (granted Feb. 3, 2009).

¹² 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.

¹³ Secretariat of Communications and Transportation Vice-Ministry of Communications, Concesion Para Ocupar La Posicion Orbital Geoestacionaria 77° Oeste Asignada al Pais y Explotar Sus Respectives 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.

(including temporary operation under U.S. authority pending re-licensing), and EchoStar understands that the Mexican Administration has no objection to this plan.

I. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

For the reasons previously set forth in the EchoStar 1 STA Application, grant of this Application will serve the public interest and not cause harmful interference to any authorized user of the spectrum. 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. Moreover, 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.

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 72.5° W.L. and 82° W.L. DISH will continue to 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 with EchoStar 1 at 77.15° W.L. for purposes of the initial STA.¹⁴

For the same good cause described in the *STA Applications*, 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. 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.¹⁵ 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.

¹⁴ Stamp Grant, *EchoStar 1 STA Application*.

¹⁵ 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).

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 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/

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

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

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