

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

)	
In the Matter of)	File No. SES-STA-_____ - _____
)	Call Sign E020248
)	
ECHOSTAR CORPORATION)	File No. SES-STA-_____ - _____
)	Call Sign E020306
Application for Special Temporary Authority)	
To Operate Four TT&C Earth Stations with)	File No. SES-STA-_____ - _____
EchoStar 4 During the Relocation to, and)	Call Sign E070014
Operation at, 86.5° W.L., and to Broadcast)	
Operations With Three Transmit/Receive)	File No. SES-STA-_____ - _____
Earth Stations From EchoStar 4 at 86.5°)	Call Sign E980005
W.L.)	
)	

EXPEDITED CONSIDERATION REQUESTED

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY¹

By this Application, and pursuant to Section 25.120(b)(4) of the Commission’s rules, 47 C.F.R. § 25.120(b)(4), EchoStar Corporation (“EchoStar”) respectfully requests Special Temporary Authority (“STA”) for 30 days to operate four transmit/receive earth stations (Call Signs E020248, E020306, E070014, and E980005) to provide telemetry, tracking and control (“TT&C”) for the EchoStar 4 satellite during the relocation from its current location at 77° W.L. to 86.5° W.L., and on-station at 86.5° W.L., where the satellite will be stationed as a Direct Broadcast Satellite (“DBS”) pending the Commission’s authorization.² In addition, EchoStar requests STA for three transmit/receive earth stations (Call Signs E020306, E070014, and

¹ Concurrent with this application, EchoStar is filing modification and STA applications to operate three transmit/receive earth stations to provide TT&C and feeder link communications for EchoStar 4 once it is located at 86.5° W.L.

² See File No. SAT–STA–20100920–00199 (filed Sept. 20, 2010) (“*EchoStar 4 Relocation STA Application*”).

E980005) to conduct broadcast operations with EchoStar 4 once the satellite is on-station at 86.5° W.L. EchoStar has submitted a request for STA to relocate EchoStar 4 to 86.5° W.L. from its current location at 77° W.L., and two requests for STA to operate on the DBS frequencies of the 86.5° W.L. orbital location using the EchoStar 4 satellite—one for 30 days and one for 180 days thereafter.³ The move will specifically allow for the provision of additional DBS services from the 86.5° W.L. orbital location years earlier than contemplated by EchoStar’s license. This significant acceleration will be accomplished without loss of any services from 77° W.L. The grant of this application will not cause harmful interference to any authorized user of the spectrum, and is in the public interest.

EchoStar requests that this STA be granted for 30 days commencing no later than November 1, 2010.

I. BACKGROUND AND INTRODUCTION

On November 26, 2006, the Commission authorized EchoStar Satellite L.L.C., a predecessor-in-interest of EchoStar, to construct a new DBS satellite at the 86.5° W.L. orbital location.⁴ As a condition of the *Order and Authorization*, the Commission mandated that EchoStar file a modification application specifying its end-of-life planned operations for the satellite and submitting an orbital debris mitigation statement.⁵ Authority to launch and operate the satellite will “be granted if the information submitted demonstrates that EchoStar’s orbital

³ See File Nos. SAT–STA–20100920–00197 (filed Sept. 20, 2010); SAT-STA-20100920-00198 (filed Sept. 20, 2010).

⁴ See EchoStar Satellite L.L.C., Application to Construct, Launch and Operate a Direct Broadcast Satellite at the 86.5° W.L. Orbital Location, *Order and Authorization*, 21 FCC Rcd. 14045 ¶ 1 (2006) (“86.5° W.L. Order”).

⁵ *Id.* ¶ 28(e).

debris mitigation plans are in the public interest.”⁶ On December 29, 2008, EchoStar submitted such a modification application, which remains pending.⁷ The milestone schedule incorporated in the authorization required EchoStar to complete contracting for its proposed satellite within one year of the date of the grant; complete its critical design review within two years; complete construction of the first satellite in the system within four years; and operate its satellite within six years.⁸ EchoStar has complied with all of the milestones to date – *i.e.*, with the first two milestones.

EchoStar 4 is currently a Mexican-licensed satellite operating at the 77° W.L. orbital location. The satellite’s move to that slot was made subject to an exchange of letters between the Commission and the Mexican Administration.⁹ EchoStar 4’s stay at 77° W.L. is further governed by the license granted to EchoStar’s partner, QuetzSat, S. de R.L. de C.V. (“QuetzSat”), to use the nominal 77° W.L. orbital location, and by agreements among EchoStar, SES Global Latin America, S.A. (“SES”), and QuetzSat.¹⁰

Under these documents, while at 77° W.L., EchoStar 4 is under the direct control of QuetzSat, which is allowed to use the nominal 77° W.L. orbital location pursuant to the February

⁶ *Id.*

⁷ See File No. SAT-MOD-20081229-00239 (filed Dec. 29, 2008).

⁸ 86.5° W.L. Order ¶ 30.

⁹ See EchoStar Satellite LLC Application for Special Temporary Authority to Conduct Telemetry, Tracking, and Command Operations during the Relocation of EchoStar 4 to the 77° W.L. Orbital Location, *Order and Authorization*, 21 FCC Rcd. 4077 at Appendix A (2006) (“77° W.L. Order”).

¹⁰ See Satellite Relocation and Use Agreement for the 77° W.L. Orbital Location, (77° W.L. Agreement), *filed in* File No. SAT-STA-20080616-00121, Attachment 3 (granted Oct. 31, 2008) (“EchoStar 8 STA Application”).

2, 2005 BSS Concession.¹¹ But the exchange of letters also established a clear distinction between the satellite's operations at 77° W.L. and any future operations at another orbital location: "Any operations of the EchoStar 4, other than at the 77° W.L. orbital location, will be subject to issuance of a new authorization by the FCC."¹² Accordingly, the relocation of EchoStar 4 to the 86.5° W.L. orbital location requires the Commission's authorization because EchoStar 4 would no longer be "flagged" as a Mexican-licensed satellite, but a U.S.-licensed satellite. EchoStar, moreover, understands that neither the Mexican Administration nor QuetzSat objects to the satellite's move.¹³

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

This application is in the public interest and will not cause harmful interference for the reasons set forth in the *EchoStar 4 Relocation STA Application*, which are hereby incorporated by reference. The move of the satellite will not result in loss of any service from 77° W.L., where another two EchoStar satellites, EchoStar 8 and EchoStar 1, are now operational.¹⁴

¹¹ BSS Concession, *filed in* EchoStar 8 STA Application, Attachment 2.

¹² 77° W.L. Order, Appendix A at 8.

¹³ According to the exchange of letters, "in the event that there are any provisions in the Concession, or any provisions in the Mexican laws and regulations governing the telecommunications operations of EchoStar that would preclude or otherwise limit the exercise of EchoStar's contractual rights within the time frames specified in the EchoStar/SES Agreement, the FCC would appreciate the opportunity to consult with SCT prior to any exercise of such licensing authority or application of such law or regulation by SCT." *Id.*, Appendix A at 9. In response, the Mexican Administration has stated that "there are no provisions in the license, in our laws or in our regulation that may be applied to directly hinder or limit EchoStar from exercising its contractual rights with SES." *Id.*, Appendix A at 16.

¹⁴ See Stamp Grant, File No. SAT-T/C-20090217-00026, Call Sign S2439 (granted Sept. 17, 2010) (EchoStar 8); Stamp Grant, File No. SAT-T/C-20090217-00027, Call Sign S2739 (granted Sept. 17, 2010) (EchoStar 1). Pursuant to an exchange of letters between the

Furthermore, grant of this application will ensure the safe transfer of EchoStar 4 to the 86.5° W.L. orbital location and operation at 86.5° W.L.

Grant of this application also will not cause harmful interference because EchoStar will operate the earth stations to conduct TT&C operations during the relocation of the EchoStar 4 satellite to 86.5° W.L., and on-station at 86.5° W.L., in accordance with the following conditions.

- a) EchoStar will coordinate its TT&C operations with all potentially affected operating satellite networks.
- b) 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.
- c) EchoStar will accept interference from any lawfully operating satellite network or radiocommunication system.

III. REQUEST FOR EXPEDITED CONSIDERATION

EchoStar respectfully requests that the Commission grant the requested authority by no later than **November 1, 2010** for the reasons set forth in the *EchoStar 4 Relocation STA Application*. EchoStar's customer, DISH Network ("DISH") will be able to marshal additional capacity to provide additional HD programming. In particular, the prompt move of EchoStar 4 will help DISH in its efforts to comply with the upcoming February 2011 deadline in the Commission's timeline for HD local station carriage.¹⁵

Commission and the Mexican Administration, "EchoStar 1 and EchoStar 8 spacecraft will operate at the 77° W.L. orbital location subject to Mexican authority." *Id.* at Annex A, 2.

¹⁵ Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules, *Second Report and Order, Memorandum Opinion and Order, and Second Further Notice of Proposed Rulemaking*, 23 FCC Rcd. 5351 ¶ 8 (2008) (requiring 30 percent of each satellite carrier's HD markets to comply with the HD carry-one, carry-all requirement no later than February 17, 2011).

IV. 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.

V. CONCLUSION

For the foregoing reasons, EchoStar respectfully requests the grant of its application for special temporary authority for 30 days (1) to operate four transmit/receive earth stations (Call Signs E020248, E020306, E070014, and E980005) to provide TT&C for the EchoStar 4 satellite during the satellite's relocation from 77° W.L. to 86.5° W.L., and on-station at 86.5° W.L.; and (2) to conduct broadcast operations from three transmit/receive earth stations (Call Signs E020306, E070014, and E980005) with EchoStar 4 once the satellite is on-station at 86.5° W.L.

Respectfully submitted,

/s/

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