

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

) File No. SES-STA-_____ - _____
) Call Sign E980081
In the Matter of)
) File No. SES-STA-_____ - _____
ECHOSTAR CORPORATION) Call Sign E070273
)
Application for Special Temporary Authority) File No. SES-STA-_____ - _____
To Operate Four TT&C Earth Stations) Call Sign E980005
During the Relocation of EchoStar 6 to)
76.95° W.L.) File No. SES-STA-_____ - _____
) Call Sign E070014
)

EXPEDITED CONSIDERATION REQUESTED

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY¹

By this Application, EchoStar Corporation (“EchoStar”) requests special temporary authority (“STA”) for 30 days to operate four transmit/receive earth stations (Call Signs E980081, E070273, E980005, and E070014) 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 61.65° W.L. to, and stationed at, 76.95° W.L. This emergency request is necessary to allow EchoStar to transfer traffic to EchoStar 6 while it completes its restoration activities following the recent single event upset (“SEU”) that

¹ In conjunction with this application, EchoStar is separately filing an application for STA to relocate EchoStar 6 to 76.95° W.L, and to station the satellite there. (“Satellite STA Application”). EchoStar will also separately file (1) an STA to operate EchoStar 6 at 76.95° W.L. for 30 days and (2) an STA to operate three transmit/receive earth stations to provide TT&C and feeder link service to the satellite while it is located at 76.95° W.L.

temporarily affected the EchoStar 8 satellite.² As a consequence, EchoStar had to move traffic from EchoStar 8 to other satellite capacity. The problems caused by the SEU have been resolved in part, and EchoStar has started to restore traffic on EchoStar 8. EchoStar has determined, however, that additional tests of EchoStar 8's health are necessary. To conduct these tests without disrupting service to customers, it is necessary to be able to transfer traffic seamlessly to another satellite at the same orbital location. The instant request is in response to this need.

The Mexican concessionaire for the 77° W.L. orbital location has informed COFETEL, and understands that COFETEL consents to the 30-day temporary operation of EchoStar 6 as a U.S. satellite, subject to the eventual exchange of letters concerning the EchoStar 6 satellite.³

Since the need for the EchoStar 8 tests is urgent, EchoStar respectfully requests verbal action on this request today.

I. BACKGROUND

The nominal 77° W.L. orbital location is allotted to Mexico under the Region 2 Broadcasting-Satellite Service plan set forth in Appendices 30 and 30A to the international Radio Regulations. EchoStar currently operates three Direct Broadcast Satellites ("DBS") at the nominal 77° W.L. orbital location under Mexican authority issued to its partner, QuetzSat, S. de R.L. de C.V. ("QuetzSat"), EchoStar 1, EchoStar 4, and EchoStar 8. The satellites are used by EchoStar's customer DISH Network L.L.C. ("DISH") and DISH Mexico to provide DBS service

² As EchoStar stated to the Commission in a letter dated February 1, 2011, EchoStar believes that the SEU, which occurred on January 30, 2011, did not cause any significant or permanent damage that will affect EchoStar 8's future operations. *See* Letter from Petra A. Vorwig, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC, filed in File No. SAT-T/C-20090217-00026 (Feb. 1, 2011).

³ EchoStar will soon file a modification application to allow the provision of service to the United States (to the extent necessary) from EchoStar 6 located at 76.95° W.L. as a Mexican-licensed satellite.

in the United States and Mexico, respectively. The U.S. service includes local-into-local programming in a number of markets in the southern United States.

The spare capacity available at 77° W.L. is not enough to provide full “redundancy” for EchoStar 8. As the Commission is aware, EchoStar 4 recently experienced transponder anomalies, and is not currently operational.⁴ As for EchoStar 1, a satellite launched in December 1995, it has limited capability (only up to 16 transponders), and thus it, too, is inadequate to the task of carrying the traffic necessary during EchoStar 8’s tests.

For the reasons set forth herein, grant of this Application will not cause harmful interference to any authorized user of the spectrum and will serve the public interest.

II. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

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 76.95° 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 76.95° W.L. in accordance with the following conditions:

1. EchoStar shall coordinate all drift operations with other potentially affected in-orbit operators.
2. Drift operations shall be on a non-harmful interference basis, meaning that EchoStar shall not cause interference to, and shall not claim protection from, interference caused to it by any other lawfully operating satellites.
3. In the event that any harmful interference is caused as a result of relocation operations, EchoStar shall cease operations immediately upon notification of such

⁴ See Confidential Letter from Pantelis Michalopoulos, Counsel for EchoStar Corporation to Stephen Duall, IB, FCC, File Nos. SAT-STA-20100920-00199, SAT-STA-20100920-00198, SAT-STA-20100920-00197 (Jan. 18, 2011).

interference and shall inform the Commission immediately, in writing, of such event.

While EchoStar 6 is located at 76.95° W.L., EchoStar will operate the earth stations in accordance with the following conditions:

1. Operations shall be on a non-harmful interference basis, meaning that EchoStar shall not cause interference to, and shall not claim protection from, interference caused to it by any other lawfully operating satellites operating within the parameters of applicable international coordination agreements.
2. In the event that any harmful interference is caused while the satellite is operating at 77° W.L., EchoStar shall cease operations immediately upon notification of such interference and shall inform the Commission immediately, in writing, of such event.

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 emergency special temporary authority for 30 days to operate four transmit/receive earth stations (Call Signs E980081, E070273, E980005, and E070014) to provide TT&C service in the DBS band for EchoStar 6 as it is relocated from its current location at 61.65° W.L. to 76.95° W.L.

Respectfully submitted,

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