

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

_____)	
In the Matter of)	
)	File No. SES-STA-2011 _____
ECHOSTAR BROADCASTING CORPORATION)	Call Sign E980005
)	
Application for Special Temporary Authority to)	File No. SES-STA-2011 _____
Operate Its Transmit/Receive Earth Stations to)	Call Sign E070014
Provide TT&C for, and to Conduct In-Orbit)	
Testing with, QuetzSat-1, a Mexican Licensed)	
DBS Satellite, at 67.1° W.L., and to Provide)	
TT&C During Its Relocation to 77° W.L.)	
_____)	

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

By this application, and pursuant to Section 25.120(b)(4) of the Commission’s rules,¹ EchoStar Broadcasting Corporation (“EBC”) respectfully requests Special Temporary Authority (“STA”) for 30 days, commencing on September 13, 2011, to operate two of its transmit/receive earth stations (Call Signs E980005 and E070014) (1) to perform telemetry, tracking and control (“TT&C”) operations while raising and maneuvering the Direct Broadcast Satellite (“DBS”), QuetzSat-1, to the 67.1° W.L. orbital location; (2) to perform in-orbit testing of the satellite in the 12.2-12.7 and 17.3-17.8 GHz bands at 67.1° W.L.; and (3) to provide TT&C during the relocation of QuetzSat-1 to 77° W.L. Testing QuetzSat-1 and conducting TT&C operations during orbit raising and maneuvers at 67.1° W.L. and during its relocation to 77° W.L. will ensure that QuetzSat-1 is fully operational and ready to provide service once it arrives at the nominal 77° W.L. orbital location. The proposed maneuvers and testing will not adversely affect the operations of any other spacecraft or other authorized spectrum users.

¹ 47 C.F.R. § 25.120(b)(4).

QuetzSat-1 is scheduled to launch on September 13, 2011. Therefore, EBC requests action on this application by **September 12, 2011**, so that EBC may perform TT&C and test the satellite as set forth herein.² For the reasons set forth herein, the grant of this application will not cause harmful interference to any authorized user of the spectrum and would be in the public interest. Accordingly, the Commission should grant the requested STA.

I. BACKGROUND

The QuetzSat-1 satellite will supplement the service provided from the nominal 77° W.L. orbital location under a concession granted by Mexican authorities to QuetzSat, S. de R.L. de C.V. (“QuetzSat”), a Mexican company.³ QuetzSat has an arrangement with SES Latin America S.A. (“SES-LA”) and SES S.A (collectively, “SES”) to jointly exploit the 77° W.L. slot. QuetzSat-1 will operate under the control of QuetzSat and will provide service over 32 DBS transponders covering the continental United States, Mexico, and Central America. EBC’s affiliate, EchoStar 77 Corporation (“EchoStar 77”), has contracted for the entire DBS service capacity of QuetzSat-1, which EchoStar 77 will make available to its customers, DISH Network

² EBC’s affiliates, EchoStar 77 Corporation (“EchoStar 77”) and DISH Operating L.L.C., have applied to modify their respective blanket earth station licenses, Call Signs E050196 and E090020, to add QuetzSat-1 as a point of communication. *See* File Nos. SES-MFS-20110707-00793 (filed July 7, 2011); SES-MFS-20110707-00792 (filed July 7, 2011) (“Blanket Earth Station Modifications”).

³ *See* Secretariat of Communications and Transportation Vice-Ministry of Communications, Concesion Para Ocupar La Posicion Orbital Geoestacionaria 77° Oeste Asignada al Pais y Explotar Sus Respectivas 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) (“77° W.L. BSS Concession”), *filed in* File No. SAT-STA-20080311-00068 (English translation).

L.L.C. (“DISH Network”) and DISH Mexico, for Direct-to-Home (“DTH”) television service in the United States and similar services in Mexico.⁴

On July 7, 2011, EchoStar 77 and DISH Operating L.L.C. (a direct subsidiary of DISH Network) filed applications to modify their respective blanket earth station authorizations (Call Signs E050196 and E090020) in order to add QuetzSat-1 as a point of communication at the nominal 77° W.L. orbital location.⁵ Additionally, both asked the Commission to waive Sections 25.215 and 25.210(i)(1) of the Commission’s rules to permit QuetzSat-1 to be operated with less than 30 dB cross-polarization isolation over certain regions. EchoStar 77 and DISH Operating L.L.C. demonstrated that granting the Blanket Earth Station Modifications would serve the public interest, would not cause any harmful interference, and would be fully consistent with the Commission’s policies governing the provision of services to the United States from a foreign-licensed satellite.⁶ EBC is now applying for STA to operate its transmit/receive earth stations in order to test the satellite at 67.1° W.L. and to maneuver the satellite to 67.1° W.L. and again during its relocation to 77° W.L.

II. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

The Commission has a long-standing policy of granting STA where such authorization will not cause harmful interference and will serve the public interest, convenience, and

⁴ Redacted and confidential copies of the agreements between (1) EchoStar 77 and SES-LA, and (2) EchoStar 77 and DISH Network were provided in the Blanket Earth Station Modifications as Attachments 1A and 1B, respectively. Hard copies of the confidential, unredacted agreements are also on file with the Commission. *See* Blanket Earth Station Modifications.

⁵ *See* Blanket Earth Station Modifications.

⁶ *See id.*

necessity.⁷ The requested operations meet both of these tests. The Commission has also recognized the benefits to the public interest, convenience, and necessity of granting STA to allow in-orbit testing at locations different from those authorized, subject to coordination with neighboring satellites.⁸ Moreover, as the Commission has previously found, deployment of new DBS capacity serves the public interest, convenience, and necessity.⁹

Consistent with the Commission's well-settled precedent, grant of this STA request will serve the public interest by ensuring that the new DBS satellite is fully operational before commencing service. Neither moving QuetzSat-1 to 67.1° W.L. nor testing it at that slot or moving it to 77° W.L. will cause harmful interference to any other spacecraft or authorized user of the spectrum. While the satellite is raised and moved to 67.1°, and again while it is moved to 77° W.L., all transponders (other than the TT&C beacons) on the satellite will be turned off. In addition, testing of QuetzSat 1 at 67.1° W.L. has been coordinated and will follow guidelines to avoid interference with nearby DBS satellites. EBC controls both EchoStar 15 at 61.55° W.L. and EchoStar 12 at 61.35° W.L. and will ensure that operations under this STA do not interfere with the operations of those satellites. DIRECTV 1R at 72.5° W.L., licensed to Liberty Media Corporation, and Nimiq 5 at 72.7° W.L., licensed to Telesat Canada Ltd., are the only other DBS satellites operating within six degrees of the testing location. EBC has a long history of

⁷ See, e.g., *Newcomb Communications, Inc., Order and Authorization*, 8 FCC Rcd. 3631, 3633 (1993); *Columbia Communications Corp., Order*, 11 FCC Rcd. 8639, 8640 (1996); *American Telephone & Telegraph Co., Order*, 8 FCC Rcd. 8742 (1993).

⁸ See *In the Matter of INTELSAT LLC*, 16 FCC Rcd. 16208 (2001) (“[A] grant of Special Temporary Authority to conduct in-orbit testing...at the 58.5 E.L. orbital location, instead of [licensee’s] authorized 62 E.L. location, will serve the public interest...The Commission typically allows licensees to conduct in-orbit testing at orbit locations different from those authorized, subject to coordination with affected adjacent satellite operators.”); see also *In re Application of EchoStar Satellite Corp.*, 15 FCC Rcd. 12609 (2000).

⁹ See, e.g., *In the Matter of DIRECTV Enterprises*, 14 FCC Rcd. 13159 (1999).

coordination with these operators, and will abide by existing and future coordination agreements as they relate to operations under this STA.

The requested STA serves the public interest, as it will allow the QuetzSat-1 satellite to be safely maneuvered to, and tested at, the 67.1° W.L. orbital location, and then again moved to its permanent home at 77° W.L. The in-orbit testing will ensure proper operation of the satellite prior to bringing the satellite into service, thereby avoiding any subsequent service interruption. Upon completion of testing, QuetzSat-1 will be relocated to the nominal 77° W.L. orbital location, where it will make available DTH service.

III. SECTION 304 WAIVER

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

IV. CONCLUSION

For the foregoing reasons, EBC respectfully requests the grant of a 30-day STA, commencing on September 13, 2011, to operate two of its transmit/receive earth stations (Call Signs E980005 and E070014) to perform TT&C and in-orbit testing with QuetzSat-1 as described herein.

During the orbital raising of QuetzSat-1 to 67.1° W.L. and during the move to 77° W.L., all transponders other than the TT&C transponders will be switched off, and EBC 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 EBC's operations will cease immediately upon notification of harmful interference. Furthermore, EBC shall notify the Commission immediately, in writing, of any such event.

2. EBC will accept interference from any lawfully operating satellite network or radio communication system.

In addition, during in-orbit testing, EBC will operate its earth stations subject to the following conditions:

1. EBC 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, EBC will cease its test operations immediately. In addition, EBC will inform the Commission in writing that it has received such a notification.

Respectfully submitted,

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