

E070014).³ 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.⁴

I. BACKGROUND

The QuetzSat-1 satellite will ultimately 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.⁵ 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, has contracted for the entire DBS service capacity of QuetzSat-1, which EchoStar 77 will ultimately make available to its customers, DISH Network L.L.C. (“DISH Network”) and DISH Mexico, for Direct-to-Home (“DTH”) television service in the United States and similar services in Mexico.⁶

³ See Stamp Grant, File No. SES-STA-20110815-00955, Call Sign E070014 (granted Sept. 26, 2011).

⁴ 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; SES-MFS-20110707-00792 (filed July 7, 2011) (“Blanket Earth Station Modifications”).

⁵ 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 Respectiveas 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).

⁶ 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,

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.⁷ Additionally, both asked the Commission to waive Sections 25.215 and 25.210(i)(1) of the Commission's rules⁸ 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.⁹ EBC has also applied to modify three of its transmit/receive earth station licenses (Call Signs E980174, E980180 and E080058) to add QuetzSat-1 as point of communication at 77° W.L. and/or to provide TT&C operations and feeder link communications to the satellite at that location.¹⁰ EBC is now asking for renewal of its STA to operate its transmit/receive earth stations in order to complete testing of the satellite at 67.1° 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

unredacted agreements are also on file with the Commission. *See* Blanket Earth Station Modifications.

⁷ *See id.*

⁸ 47 C.F.R. §§ 25.215, 25.210(i)(1).

⁹ *See* Narrative, Blanket Earth Station Modifications.

¹⁰ *See* File Nos. SES-MFS-20110926-01140; SES-MFS-20110926-01139; SES-MFS-20110926-01138 (filed Sept. 26, 2011), respectively.

necessity.¹¹ 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.¹² Moreover, as the Commission has previously found, deployment of new DBS capacity serves the public interest, convenience, and necessity.¹³

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. Testing QuetzSat-1 at 67.1° W.L. will not cause harmful interference to any other spacecraft or authorized user of the spectrum. Testing of QuetzSat-1 at 67.1° W.L. has been coordinated and will follow guidelines to avoid interference with nearby DBS satellites. EchoStar Satellite Operating Corporation, EBC's sister company, 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

¹¹ 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).

¹² See INTELSAT LLC, *Order and Authorization*, 16 FCC Rcd. 16208 ¶ 8 (2001) (“[A] grant of Special Temporary Authority to conduct in-orbit testing . . . at the 58.5° E.L. orbital location, instead of [the 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 EchoStar Satellite Corp., *Order and Authorization*, 15 FCC Rcd. 12609 (2000) (granting STA for in-orbit testing).

¹³ See, e.g., DIRECTV Enterprises, *Order and Authorization*, 14 FCC Rcd. 13159 (1999) (finding DIRECTV’s application for a replacement DBS space station is in the public interest).

history of 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 tested at the 67.1° W.L. orbital location. The in-orbit testing will ensure proper operation of the satellite prior to bringing the satellite into service, thereby minimizing the potential for future service interruptions.

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 renewal of its 30-day STA to operate two of its transmit/receive earth stations (Call Signs E980005 and E070014) to perform in-orbit testing with QuetzSat-1 as described herein.

Respectfully submitted,

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