

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

In the Matter of)	
)	
ECHOSTAR BROADCASTING CORPORATION)	File No. SES-STA-2012_____
)	Call Sign E070014
Application for Special Temporary Authority to)	
Operate Its Transmit/Receive Earth Station to)	
Provide TT&C for QuetzSat-1 at 67.1° W.L., and)	
to Provide TT&C During Relocation of the)	
Satellite to the Nominal 45° W.L. Orbital)	
Location)	

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

By this Application, EchoStar Broadcasting Corporation (“EBC”) respectfully requests Special Temporary Authority (“STA”) for 30 days, beginning on or about April 27, 2012, to operate its Broadcast Satellite Services (“BSS”) transmit/receive earth station (Call Sign E070014) to provide telemetry, tracking, and control (“TT&C”) for the foreign-licensed, Direct Broadcast Satellite (“DBS”) QuetzSat-1: (i) at its test location, 67.1° W.L.; (ii) as the satellite is relocated from the test location to the Brazilian BSS orbital slot at the nominal 45° W.L. orbital location; and (iii) after the satellite arrives at the nominal 45° W.L. orbital location.¹

QuetzSat-1 was successfully launched on September 29, 2011, underwent in-orbit testing at the 67.1° W.L. orbital location, and has been maintained at that location by an affiliate of SES S.A. (“SES”) using earth stations located outside the United States. EBC’s above-captioned earth station will be used to move QuetzSat-1 to the nominal 45° W.L. orbital location. Once at

¹ Simultaneously with this application, EBC is also applying for modification of certain of its earth station authorities to permit TT&C and feeder link operations for service to Brazil with QuetzSat-1 once the satellite is located at 45° W.L.

that location,² the satellite will be operated as a Brazil-licensed satellite by HNS Americas Comunicações Ltda. (“HNS Americas”), a wholly owned, indirect subsidiary of EchoStar Corporation, EBC’s ultimate parent company, and will be used to provide service to Brazil.

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

Accordingly, the Commission should grant the requested STA.

I. BACKGROUND

After its successful launch on September 29, 2011, QuetzSat-1 completed operational testing at 67.1° W.L. SES has been holding QuetzSat-1 at that orbital location pending direction from EBC’s affiliate, which has contracted for the entire DBS service capacity of QuetzSat-1.

HNS Americas now has an opportunity to provide service to Brazil from the nominal 45° W.L. orbital location under a Brazilian authorization. EBC understands that its affiliate and HNS Americas have agreed to make the QuetzSat-1 capacity available for this service as described in this application. QuetzSat-1 will adjust its downlink pattern to provide coverage over Brazil with its DBS payload.

EBC expects QuetzSat-1’s operations at the nominal 45° W.L. orbital location to be interim in nature and for QuetzSat-1 to be made available to augment or backup DBS service at other orbital locations once additional satellite capacity becomes available to EBC’s affiliates following the launch of EchoStar 16 later this year.

² QuetzSat-1’s precise orbital location will be 44.9° 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 serves the public interest, convenience, and necessity and does not cause harmful interference.³ The requested operations meet both of these tests.

The requested STA serves the public interest because it allows the QuetzSat-1 satellite to be safely relocated to the 44.9° W.L. orbital location. Grant of this application, along with related applications, will also ultimately enable an American company to leverage its resources to expand its service offering to Brazil.⁴

While the satellite is at 67.1° W.L. and during its relocation to 44.9° W.L., EBC will ensure that operations do not cause harmful interference to any nearby satellite. EBC's affiliate controls EchoStar 3 at 61.45° W.L., EchoStar 12 at 61.35° W.L., and EchoStar 15 at 61.55° W.L., and EBC will ensure that operations under this STA do not interfere with the operations of those satellites. Additionally, Nimiq 5 at 72.7° W.L., licensed to Telesat Canada Ltd., is the only other DBS satellite operating within six degrees of the testing location. The entire broadcast satellite service capacity of Nimiq 5 is leased to an affiliate of EBC, and EBC will ensure that operations under this STA do not interfere with Nimiq 5's operations.

³ 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).

⁴ This application does not implicate the freeze on new DBS applications, because the freeze applies only to applications for authorization to provide service in the United States. See Public Notice, Direct Broadcast Satellite (DBS) Auction Nullified: Commission Sets Forth Refund Procedures for Auction No. 52 Winning Bidders and Adopts a Freeze on All New DBS Service Applications, 20 FCC Rcd. 20618, 20619 (2005). In addition, because the QuetzSat-1 satellite will not be providing service to the United States, there is no need to assess the effective competitive opportunities for U.S. DBS service providers in Brazil. See 47 C.F.R. § 25.137 (requiring earth station applicants seeking to communicate with a foreign-licensed satellite "to serve the United States" to demonstrate effective competitive opportunities to provide analogous service).

Currently, there are no operational BSS satellites within nine degrees of the nominal orbital location of 45° W.L. Further, EBC can find no evidence that a BSS satellite is under construction and progressing towards launch to an orbital location within \pm nine degrees from the nominal orbital location of 45° W.L. The nearest operational BSS satellite is the INTELSAT 805 satellite at 55.5° W.L. This satellite network uses the 14.0-14.25 GHz band for feeder links, not the 17.3-17.8 GHz band; therefore there is no possibility of uplink interference from the proposed earth station into the INTELSAT 805 satellite. With respect to the downlink, the two satellites are more than nine degrees apart, therefore there is no potential for harmful interference into the INTELSAT 805 satellite network. The QuetzSat-1 satellite will operate under a Brazilian ITU filing while at the nominal 45° W.L. orbital location, and accordingly, Brazil is responsible for coordination of the satellite. Given the 10.5 degree orbital separation, coordination is expected to be straightforward. The only other nearby, co-frequency satellite is NSS-703 at the 47.05° W.L. orbital location,⁵ which is operated by SES. The NSS-703 satellite only uses the overlapping frequencies for FSS services to ITU Region 1. EBC has reached an operational arrangement with SES for interim operation of Quetzsat-1 at 44.9° W.L. with respect to NSS-703 operations at 47.05° W.L. The coordination between any satellite succeeding QuetzSat-1 at 45° W.L. and the NSS 703 satellite (and any successor satellite) will be conducted in accordance with the Appendix 30 of the ITU Radio Regulations in the event the PFD limits, as specified in Appendix 30 for the protection of the FSS/BSS services in Regions 1 and 2, are exceeded.

EBC will operate the earth station to conduct TT&C with QuetzSat-1 in accordance with the following conditions:

⁵ QuetzSat-1 and NSS 703 overlap in the 12.5 to 12.7 GHz frequency range.

1. EBC 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 EBC 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, EBC shall cease operations immediately upon notification of such interference and shall inform the Commission immediately, in writing, of such event.

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 or 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 or about April 27, 2012, to operate its transmit/receive earth station (Call Sign E070014) to perform TT&C with QuetzSat-1 while it is at 67.1° W.L. and during the satellite's subsequent relocation to the nominal 45° W.L. orbital location.

Respectfully submitted,

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