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

In the Matter of	)	
ECHOSTAR BROADCASTING CORPORATION	)	File No. SES-STA-2012_____
	)	File No. SES-STA-2012_____
Applications for Special Temporary Authority to Relocate EchoStar 3 to, and Operate It as an In-Orbit Spare, at 61.8º W.L.	)	File No. SES-STA-2012_____
	)	File No. SES-STA-2012_____
	)	Call Signs: E010242 and E020248

APPLICATIONS FOR SPECIAL TEMPORARY AUTHORITY[1]

EchoStar Broadcasting Corporation ("EBC," and collectively with its affiliates, "EchoStar") hereby respectfully requests earth station special temporary authority ("STA") for its earth stations in Gilbert, AZ, and Blackhawk, SD, (Call Signs E010242 and E020248) for a period of thirty days beginning on or about April 30, 2012, to relocate the EchoStar 3 Direct Broadcast Satellite ("DBS") service spacecraft from 61.45° W.L. to 61.8º W.L. and to operate the satellite as an in-orbit spare at that location upon arrival.[2] EBC also requests STA for the above-referenced earth stations to operate with EchoStar 3 once at 61.8º W.L. for a period of 180 days while EchoStar 3 acts as an in-orbit spare at that location. With both of these requests, EBC seeks authority to operate only on the TT&C frequencies with EchoStar 3. These requests are being made in anticipation of the upcoming launch of EchoStar 16,[3] and are part of a series of

[1] Concurrent with this application, EchoStar is filing (a) a 30-day STA application to move the EchoStar 3 satellite to 61.8º W.L. and to operate it there as an in-orbit spare and (b) a 180-day STA application to operate EchoStar 3 at 61.8º W.L. as an in-orbit spare.

[2] EchoStar will maintain EchoStar 3 within a ± 0.05º station-keeping box while at 61.8º W.L.

[3] *See* File Nos. SAT-LOA-20110902-00172 (filed Sept. 2, 2011); SAT-STA-20110902-00171 (filed Sept. 2, 2011); SAT-STA-20120315-00049 (filed Mar. 15, 2012).

moves that EchoStar anticipates in order to accommodate EchoStar 16 at the nominal 61.5º W.L. orbital location.

I. BACKGROUND

As the Commission is aware, on July 10, 2010, EchoStar successfully launched EchoStar 15, a 32-transponder Direct Broadcast Satellite ("DBS") that, in light of the loss of AMC-14,[4] effectively replaced EchoStar 3.[5] EchoStar 15 became fully operational on August 5, 2010. To accommodate testing and operation of EchoStar 15 at 61.55° W.L., and the concurrent and efficient operation of EchoStar's other satellites at the nominal 61.5° W.L. orbital location, the EchoStar 3 satellite was moved to 61.45° W.L.[6] EchoStar 3 acts as an in-orbit spare, ready to supplement service provided from the 61.5º W.L. orbital location, as needed, to maintain regular programming. The continued operation of EchoStar 3 helps to ensure that ESOC's customer, DISH Network L.L.C., will be able to continue providing DBS service to consumers without any service interruptions.

EchoStar is now preparing to launch the EchoStar 16 satellite as early as August 2012, which will further supplement the service provided from 61.5º W.L. and ensure the continued full utilization of the DBS spectrum at that orbital location. In anticipation of this launch and the assumption of operations at 61.5º W.L. by EchoStar 16, EchoStar is repositioning the spacecraft in the 61.5º W.L. orbital cluster. This move of EchoStar 3 to 61.8º W.L. is the first step in these repositioning efforts. Upon completion of the EchoStar 3 relocation, EchoStar anticipates seeking authority to move EchoStar 15 from 61.55º W.L. to the 61.65º W.L. location. With

---

[4] *See* Letter from Pantelis Michalopoulos, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC, File No. SAT-STA-20080923-00193 (Dec. 30, 2008).

[5] *See* Stamp Grant, File No. SAT-LOA-20100310-00043 (granted July 1, 2010).

[6] EchoStar 3 currently operates as an in-orbit spare at 61.45º W.L. per STA that is set to expire on May 2, 2012. *See* Stamp Grant, File No. SAT-STA-20111004-00195 (granted Nov. 16, 2011).

EchoStar 12 at 61.35º W.L., the launch of EchoStar 16 to 61.5º W.L. will align each of EchoStar's satellites at 0.15º separation, with the three operational satellites centered around the 61.5º W.L. nominal orbital location. Repositioning EchoStar 3 at 61.8º W.L. leaves the satellite in close proximity to the 61.5º W.L. nominal orbital location and available, if needed, for repositioning within the orbital cluster to provide service.

Grant of the requested authority is consistent with Commission precedent. The Commission has previously granted temporary authority to operate outside of an orbital cluster on the condition that operations do not cause harmful interference to lawfully operating satellite systems and that the satellite system operate without protection from lawful systems.[7] In fact, in very similar circumstances, the Bureau approved a request by EchoStar for relocation of the EchoStar 6 satellite outside of the 110º W.L. cluster.[8]

For the reasons set forth below, the relocation of EchoStar 3 to 61.8º W.L. 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 STAs.

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

The requested STAs are in the public interest for the same reason EchoStar was granted STA to operate EchoStar 3 as an in-orbit spare. Moreover, grant of this application will ensure

[7] *See* Letter from Thomas S. Tycz, Chief, Satellite and Radio Communications Division, FCC, to David K. Moskowitz, Senior Vice President and General Counsel for EchoStar Satellite Corporation, at 2, dated Jan. 14, 2000 (granting authority to operate the EchoStar 4 satellite at 119.35º W.L., outside of the 119º W.L. cluster).

[8] *See* Stamp Grant, File No. SAT-STA-20060303-00023 (granted Apr. 28, 2006). The Bureau repeatedly renewed this STA. *See* Stamp Grant, File No. SAT-STA-20061020-00124 (granted Apr. 10, 2007); Public Notice, Policy Branch Information Actions Taken, Informative, 23 FCC Rcd. 6586, 6586 (2008); Public Notice, Policy Branch Information Actions Taken, Special Temporary Authority Grant of Authority, 23 FCC Rcd. 6902, 6903 (2008).

safe station-keeping margins for each of the satellites that are located at the nominal 61.5° W.L. orbital location.

Relocation of EchoStar 3 to 61.8º W.L. as proposed herein will not harm adjacent satellite operators, because EchoStar proposes to operate EchoStar 3 solely as an in-orbit spare while at 61.8º W.L., and so will operate only the TT&C frequencies on the satellite. Furthermore, the relocation will not adversely affect existing customers because the EchoStar 3 satellite itself is not carrying any traffic. The satellite's capacity has already been replaced by EchoStar 15, which in turn is backed up by the capacity on EchoStar 12.

During this relocation, EchoStar 3 will act solely as an in-orbit spare, unless it is needed to provide capacity in the event of an anomaly affecting another satellite in the EchoStar fleet at the nominal 61.5º W.L. orbital location. In the event that EchoStar 3's communications payload is required to supplement service from that orbital location, EchoStar will seek appropriate authority to move EchoStar 3 back within the orbital cluster of 61.5º W.L. before seeking to provide service from the satellite.

The above-referenced earth stations are currently authorized to communicate with EchoStar 3, and their licenses cover a coordination arc that includes the 61.8º W.L. orbital location.[9] Operation of these facilities under the requested STA will conform to the existing license terms—the only change will be to the location of the EchoStar 3 satellite.

[9] *See* Call Sign E010242, File No. SES-RWL-20110812-00953, at Section C (granted Aug. 19, 2011); Call Sign E020248, File No. SES-MOD-20110608-00671, at Section C (granted July 29, 2011).

III. OPERATIONAL PARAMETERS

During relocation maneuvers and maintenance of EchoStar 3 at the 61.8º W.L. orbital location, all transponders other than the TT&C transponders will be switched off, and EchoStar will operate the satellite subject to the following conditions:

1. During the drift to the 61.8º W.L. orbital location, and while maintaining an orbit at that location, EchoStar shall not operate the main communications payload on EchoStar 3.

2. EchoStar shall coordinate all drift orbit TT&C operations with other potentially affected in-orbit operators.

3. Drift operations and operations at 61.8º W.L. shall be on a non-harmful interference basis, meaning that EchoStar shall not cause interference to, and shall not claim protections from, interference caused to it by any other lawfully operating satellites.

4. In the event that any harmful interference is caused as a result of operations during the relocation of the EchoStar 3 satellite or while the satellite is at 61.8º W.L., EchoStar shall cease operations immediately upon notification of such interference and shall inform the Commission immediately, in writing, of such event.

IV. WAIVER PURSUANT TO SECTION 304 OF THE ACT

EchoStar 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, and requests an authorization in accordance with this application.

V. CONCLUSION

For the foregoing reasons, EchoStar seeks STA for a period of up to thirty days beginning on or about April 30, 2012, to perform TT&C in order to relocate EchoStar 3 satellite to 61.8º W.L., to operate the TT&C payload during the drift to that location, and to operate the TT&C payload upon arrival of EchoStar 3 at 61.8º W.L. EchoStar further seeks a 180-day STA to operate the TT&C payload of EchoStar 3 while the satellite remains at 61.8º W.L. as in in-orbit spare.

Respectfully submitted,

_____/s/_____

Alison Minea
Corporate Counsel
EchoStar Broadcasting Corporation
1110 Vermont Avenue, NW, Suite 750
Washington, D.C. 20005
(202) 293-0981

Pantelis Michalopoulos
Stephanie A. Roy
Andrew W. Guhr
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000
Counsel for EchoStar Broadcasting Corporation

April 24, 2012