

E980118 SES-STA-20120713-00651
EchoStar Broadcasting Corporation

IB2012001682

Approved by OMB
3060-0678

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:
Request for 10-day STA to use Call Sign E980118 to test DBSD G-1's C-band TT&C subsystem

I. Applicant

Name: EchoStar Broadcasting Corporation Phone Number: 202-293-0981
DBA Name: Fax Number:
Street: 100 Inverness Terrace East E-Mail:
City: Englewood State: CO
Country: USA Zipcode: 80112
Attention: Ms Alison Minea



File # SES-STA-20120713-00651
E980118
Call Sign Grant Date 7-20-14
(or other identifier)
Term Dates
From 7-23-14 To: 8-1-14
Approved: Paul Z. Hauer

Applicant: EchoStar Broadcasting Corporation
Call Sign: E980118
File No.: SES-STA-20120713-00651
Special Temporary Authority (STA)

EchoStar Broadcasting Corporation is granted, under the following conditions, STA from July 23, 2012 through August 1, 2012 to use its Gilbert, Wyoming C-band earth station, call sign E020233, to perform command and range test of emergency TT &C transmissions to the DBSD-G1(f/k/a ICO-G1) (Call Sign S2651) satellite at orbital location 92.85° W.L.

1. This authorization is limited to uplink to satellite on 6424.5 MHz and 5925.5 MHz within coordinated emission and power limits. And downlink from satellite on 3701.5 MHz and 4198.5 MHz.
2. All operations shall be on an unprotected and non-harmful interference basis, EchoStar Broadcasting Corporation, E020233, shall not cause harmful interference to, and shall not claim protection from, interference caused to it by any other lawfully operating station and it shall cease transmission(s) immediately upon notice of such interference.



File # SES-STA-20120713-00651
Call Sign E980118 Grant Date 7-20-12
(or other identifier)
Term Dates
From 7-23-12 To: 8-1-12
Approved: Paul E. Haver

2. Contact			
Name:	Pantelis Michalopoulos	Phone Number:	202-429-6494
Company:	Steptoe & Johnson LLP	Fax Number:	
Street:	1330 Connecticut Ave NW	E-Mail:	pmichalopoulos@steptoe.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036 -
Attention:		Relationship:	Legal Counsel
(If your application is related to an application filed with the Commission, enter either the file number or the IB Submission ID of the related application. Please enter only one.)			
3. Reference File Number or Submission ID			
4a. Is a fee submitted with this application?			
<input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).			
<input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee			
<input type="radio"/> Other (please explain):			
4b. Fee Classification CGX – Fixed Satellite Transmit/Receive Earth Station			
5. Type Request			
<input type="radio"/> Use Prior to Grant <input type="radio"/> Change Station Location <input checked="" type="radio"/> Other			
6. Requested Use Prior Date			
7. CityCheyenne			
8. Latitude (dd mm ss.s h) 41 7 55.7 N			

9. State WY	10. Longitude (dd mm ss.s h) 104 44 11.5 W
11. Please supply any need attachments. Attachment 1: Narrative Attachment 2: Attachment 3:	
12. Description. (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.) EchoStar Broadcasting Corporation requests 10-day Special Temporary Authority to conduct testing of DBSD G-1's C-Band TT&C subsystem using Call Sign E980118.	
13. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes. Yes <input checked="" type="radio"/> No <input type="radio"/>	
14. Name of Person Signing Alison Minea	15. Title of Person Signing Corporate Counsel
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).	

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

In the Matter of:

EchoStar Corporation

Application for Special Temporary
Authority to Test Communications with
DBSD G-1 Satellite Using Two Earth
Stations (Call Signs E980118 and E020233)
over C-Band Frequencies

File No. SES-STA-2012____-_____
Call Sign E980118

File No. SES-STA-2012____-_____
Call Sign E020233

APPLICATION FOR MODIFICATION

I. INTRODUCTION

EchoStar Broadcasting Corporation (“EBC”) hereby requests 10-day special temporary authority (“STA”) and, to the extent required, a temporary waiver of Section 25.202(g) of the Federal Communications Commission’s (“FCC”) rules, to perform testing for emergency telemetry, tracking, and control (“TT&C”) operations from July 23, 2012 through August 1, 2012, with the New DBSD Satellite Services G.P. (“DBSD”) G-1 satellite (Call Sign 2651) over C-Band frequencies using two earth stations (Call Signs E980118 and E020233). EBC has a pending modification request for these two earth stations to permit TT&C operations under certain circumstances pursuant to its coordination agreement with Intelsat License LLC (“Intelsat”).¹ The present request is also being coordinated with Intelsat, which has filed an STA request with the Commission for testing over this same time period.²

¹ File Nos. SES-MFS-20120612-00507; SES-MFS-20120612-00506 (filed June 12, 2012).

² Intelsat License LLC, Call Sign E860175, File No. SES-STA-20120709-00637 (filed July 9, 2012).

II. BACKGROUND

DBSD G-1 is a UK-flagged satellite operating at the 92.85° W.L. orbital location, authorized under a Letter of Intent (“LOI”) to provide Mobile-Satellite Services (“MSS”) using the 2000-2010 and 2190-2200 MHz band, feeder-link transmissions using 18.55-18.8/19.7-20.2 GHz (Earth-to-space) and 29.25-30.0 GHz (space-to-Earth), and TT&C transmissions at 29.9955 and 29.9995 GHz (command), and 20.1965 and 20.1985 GHz (telemetry).³ On March 2, 2012, the Commission approved the transfer of control over DBSD’s authorizations, including the LOI authorization for the G-1 satellite, to DISH Network Corporation (“DISH”).⁴ EBC provides technical and operational support for the G-1 satellite.

III. THE REQUESTED SPECIAL TEMPORARY AUTHORITY IS IN THE PUBLIC INTEREST

The Commission has a long-standing policy of granting STA where such authorization will serve the public interest, convenience, and necessity and does not cause harmful interference.⁵ The requested operations meet both of these tests.

The requested STA serves the public interest because it will allow EBC to ensure that it will be able to maintain control over DBSD G-1 in the event of an emergency affecting the

³ See Stamp Grant, File Nos. SAT-MOD-20070919-00129, SAT-AMD-20071129-00166 (Apr. 2, 2008).

⁴ See DBSD North America, Inc., Debtor-in-Possession; New DBSD Satellite Services G.P., Debtor-in-Possession; Pendrell Corporation, Transferor; and TerreStar License Inc., Debtor-in-Possession; Assignor, and DISH Network Corporation, Transferee; and Gamma Acquisition L.L.C.; Assignee Applications for Consent to Assign/Transfer Control of Licenses and Authorizations of New DBSD Satellite Services G.P., Debtor-in-Possession and TerreStar License Inc., Debtor-in-Possession, IB Docket No. 11-150, Order, DA 12-332 (rel. Mar. 2, 2012).

⁵ 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).

satellite's primary TT&C frequencies, and thus decreasing the chance of loss of service from the G-1 satellite and increasing overall operational safety.

Grant of this application will also not cause harmful interference to any nearby satellites. The DBSD G-1 satellite's C-band TT&C capabilities allow it to independently select frequencies in 250 kHz increments over 5 MHz bandwidth at the band edges, and can be changed in orbit if required, allowing flexibility to coordinate any temporary use of the C-band frequencies. Moreover, an agreement is in place with Intelsat, which has C-band authorization at the nominal 93° W.L. orbital location, to permit use of the frequencies requested herein when certain circumstances exist,⁶ and the particular testing operations at issue here are being conducted in close concert with Intelsat.

IV. THE REQUESTED WAIVER IS IN THE PUBLIC INTEREST

Section 25.202(g) of the Commission's rules requires operators of "U.S. domestic satellites" to conduct their TT&C functions in the same frequency bands in which they are providing service, and using frequencies designed to minimize interference into other satellite networks.⁷ The International Bureau has deferred requests from DBSD to use the C-band for TT&C until DBSD presented the issue "in the context of an earth station application that seeks authority to use C-band" to communicate with the DBSD G-1 satellite—the very subject of this modification and waiver request.⁸

The Commission may waive its rules for good cause shown, particularly where strict compliance with a rule is inconsistent with the public interest when taking "into account

⁶ See *New ICO Satellite Services G.P.*, 21 FCC Rcd. 14612 ¶ 15 n.43 (2006).

⁷ 47 C.F.R. § 25.202(g).

⁸ See Stamp Grant, File Nos. SAT-MOD-20070919-00129, SAT-AMD-20071129-00166 ¶ 3 (Apr. 2, 2008).

considerations of hardship, equity, or more effective implementation of overall policy.”⁹ Such a waiver is decidedly in the public interest here.

Grant of the requested temporary waiver will not undermine the purpose of the rule. As noted above, EBC is requesting permission to conduct testing of DBSD G-1’s TT&C subsystem over the C-band in order to decrease the chance of loss of service from the G-1 satellite in the unlikely event that DBSD G-1’s primary TT&C capabilities are compromised and increase overall operational safety. As also discussed above, EBC’s use of the C-band for testing purposes will not cause interference with any C-band satellites operating in the vicinity, as those operations are being closely coordinated with Intelsat, which has C-band authorization at the nominal 93° W.L. orbital location.¹⁰ Strict application of Section 25.202(g), in other words, would needlessly increase the risk of losing service from DBSD and other nearby satellites, without decreasing the risk of harmful interference to those adjacent operators.

A temporary waiver grant is also consistent with Commission precedent. The Commission permitted a Ka-band satellite operator, for example, to use the C-band for TT&C, concluding that the request did not present substantial coordination concerns because the licensee “has conducted preliminary discussions with satellite operators at adjacent orbital locations, and has adjusted its TT&C frequency plan to address potential coordination difficulties.”¹¹ Such is the case here, with the added safeguard that any such out-of-band TT&C will be interim in nature.

⁹ 47 C.F.R. § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

¹⁰ *See New ICO Satellite Services G.P.*, 21 FCC Rcd. 14612 ¶ 15 n.43 (2006).

¹¹ *See Astrolink Int’l LLC*, 15 FCC Rcd. 23738 ¶ 9 (2000).

V. CONCLUSION

EBC respectfully requests grant of the requested 10-day STA from July 23, 2012 through August 1, 2012 and a temporary waiver of Section 25.202(g) to perform testing of DBSD G-1's C-band TT&C subsystem as in the public interest.

Respectfully submitted,

EchoStar Broadcasting Corporation

/s/

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June 12, 2012