

**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”).<sup>1</sup> 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.<sup>2</sup>

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

<sup>2</sup> 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).<sup>3</sup> 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”).<sup>4</sup> 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.<sup>5</sup> 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

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

<sup>4</sup> 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).

<sup>5</sup> 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,<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup>

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

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

<sup>7</sup> 47 C.F.R. § 25.202(g).

<sup>8</sup> 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.”<sup>9</sup> 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.<sup>10</sup> 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.”<sup>11</sup> Such is the case here, with the added safeguard that any such out-of-band TT&C will be interim in nature.

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

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

<sup>11</sup> *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**

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/s/

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