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 Perform TT&C on QuetzSat-1 at 67.1° W.L. and to Move It to, and Operate It at, 61.5º W.L.	)	

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

EchoStar Broadcasting Corporation ("EBC," and collectively with its affiliates, "EchoStar") hereby respectfully requests earth station special temporary authority ("STA") to use its earth station in Gilbert, Arizona, Call Sign E070014, for a period of 30 days beginning on or about September 24, 2012, to permit the earth station to communicate with the UK-licensed QuetzSat-1 Direct Broadcast Satellite ("DBS") service spacecraft. Specifically, EBC proposes to use E070014 to assist with additional in-orbit testing ("IOT") of QuetzSat-1 at 67.1º W.L. by using the antenna to perform Tracking, Telemetry and Command ("TT&C"). In addition, EBC seeks authority to use E070014 to perform TT&C: (a) while QuetzSat-1 remains at 67.1º W.L.; (b) during a planned relocation of the satellite to 61.5º W.L.; and (c) on-station once the satellite arrives for temporary operations at 61.5° W.L.

With these requests, EBC seeks authority to operate only on the TT&C frequencies with QuetzSat-1. These requests are being made to account for the delay, well-known to the

Commission, in the scheduled launch of EchoStar 16.[1] EchoStar 16 was originally scheduled to be launched in July 2012 and deployed at the nominal 61.5º W.L. orbital location. EchoStar was counting on EchoStar 16 to relieve EchoStar 15 of its duties and allow for its redeployment to the 45º W.L. orbital location for service to Brazil.[2] In light of the delay, this temporary move of QuetzSat-1 is needed to accomplish the goal of freeing up the EchoStar 15 satellite to move to, and begin providing service at, 45º W.L.

For the reasons set forth herein, the grant of this application is 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 67.1º W.L. An affiliate of SES S.A. ("SES") has been holding QuetzSat-1 at that orbital location pending direction from EchoStar, which has contracted for the entire DBS service capacity of QuetzSat-1. QuetzSat-1 is authorized pursuant to a space activity license issued by the UK Space Agency and will be a UK-registered space object.[3]

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[1] *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). The launch of EchoStar 16 has been delayed due to the Proton M/Briz M launch vehicle failure.

[2] The delay has had, and may yet have, a number of effects on EchoStar's overall fleet and other planning, and may cause EchoStar and DISH to submit additional requests to the Commission.

[3] *See* SES Americom, Inc., File No. SES-STA-INTR2012-02161, at 1 n.1 (filed Sept. 17, 2012); Letter from Stephanie A. Roy, Counsel for EchoStar Broadcasting Corporation, and Daniel Mah, Regulatory Counsel, SES Americom, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Aug. 24, 2012), *filed in* File Nos. SES-STA-20120412-00360, SES-STA-20110815-00955, SES-STA-20111021-01250, SES-MFS-20110926-01138, SES-MFS-20110926-01140, SES-MFS-20110926-01139, SES-STA-20110815-00956, SES-STA-20111021-01251, SES-AMD-20110809-00938, SES-MFS-20110707-00792, SES-AMD-20110809-00937, SES-MFS-20110707-00793, SES-STA-20120413-00364.

As a result of the delay in the EchoStar 16 launch (due to the Proton M/Briz M launch vehicle failure) and the need to continue service to U.S. customers from 61.5º W.L. while inaugurating service from 45º W.L.,[4] EchoStar plans to instruct SES to relocate QuetzSat-1 to 61.5º W.L. to provide interim capacity, and to support such relocation with the E070014 antenna.[5] As the Commission is aware, in August 2011, EchoStar's indirect and wholly owned subsidiary, HNS Americas Comunicações Ltda. ("HNSA"), won the rights to an authorization to provide Broadcast-Satellite Service ("BSS") to Brazil from the nominal 45º W.L. orbital location. HNSA executed the license agreement with Agência Nacional de Telecomunicações ("Anatel") in May 2012, and now holds the authorization. EchoStar and Anatel have agreed that HNSA will operate the EchoStar 15 satellite in accordance with Brazil's Region 2 BSS plan modifications filed for the 44.9º W.L. orbital location during an interim period while HNSA works to construct a satellite for the orbital location, consistent with HNSA's Brazilian authorization.

EchoStar plans to move QuetzSat-1 to 61.5º W.L. and transfer the traffic from EchoStar 15 to QuetzSat-1.[6] This move will free EchoStar 15, which is currently at 61.65º W.L.,[7] to move to 45º W.L.[8] Once EchoStar 16 is launched and tested, EchoStar plans to request that SES move

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[4] EchoStar's business plan includes starting service at 45º W.L. in January 2013.

[5] SES has filed a similar STA request to assist with the process of moving QuetzSat-1. *See* SES Americom, Inc., File No. SES-STA-INTR2012-02161 (filed Sept. 17, 2012). In addition, SES will be using an antenna in Mexico City, Mexico, to support the relocation of the satellite. Grant of SES's and EchoStar's STA requests will ensure ample earth station redundancy during the testing and move of QuetzSat-1.

[6] QuetzSat-1's capacity is the same as that for EchoStar 15, and QuetzSat-1 will operate only under the frequencies authorized to EchoStar.

[7] Stamp Grant, File No. SAT-STA-20120531-00091 (granted June 12, 2012); Stamp Grant, File No. SAT-STA-20120711−00115 (granted July 18, 2012).

[8] *See* File No. SAT-MOD-20120814-00130 (filed Aug. 14, 2012).

QuetzSat-1 to 61.65º W.L., and also plans to move EchoStar 16 to 61.5º W.L. Once EchoStar 16 is at 61.5º W.L., EchoStar will transfer the traffic from QuetzSat-1 to EchoStar 16.

II. GRANT OF THIS APPLICATION 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.[9] The requested operations meet both of these tests.

The requested STA serves the public interest because it will ensure uninterrupted service to DISH customers from 61.5º W.L. while EchoStar moves the EchoStar 15 satellite to 45º W.L. Moreover, the requested authority will allow earlier productive use of an additional slot (45º W.L.) – use that will include a new potential avenue for U.S. programming service to reach a large South American audience.

While the satellite is at 61.5º W.L., EchoStar will ensure that operations do not cause harmful interference to any other satellite.

III. OPERATIONAL PARAMETERS

During relocation maneuvers and maintenance of QuetzSat-1 at the 61.5º W.L. orbital location, all transponders other than the TT&C transponders will be switched off, and the earth station and satellite will operate subject to the following conditions:

1. During the drift to the 61.5º W.L. orbital location, and while maintaining orbit at that location, the main communications payload on QuetzSat-1 will not be in operation until and unless authorized by the Commission to do so.

2. All drift orbit TT&C operations will be coordinated with other potentially affected in-orbit operators.

3. Drift operations and TT&C operations at 61.5º W.L. shall be on a non-harmful interference basis, meaning that QuetzSat-1 shall not cause interference to, and shall

[9] *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).

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 TT&C operations during the relocation of the QuetzSat-1 satellite or while the satellite is at 61.5º W.L., QuetzSat-1 shall cease operations immediately upon notification of such interference, and the Commission will be informed immediately, in writing, of such event.

IV. WAIVER PURSUANT TO SECTION 304 OF THE ACT

In accordance with Section 304 of the Communications Act of 1934, as amended, 47 U.S.C. § 304, EchoStar hereby 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.

V. CONCLUSION

For the foregoing reasons, EBC seeks STA for a period of 30 days beginning on or about September 24, 2012, to perform TT&C with one of its earth stations in Gilbert, Arizona (Call Sign E070014) while QuetzSat-1 is at 67.1º W.L., and to help relocate the satellite to, and to maintain it at, 61.5º W.L. This request will serve the public interest and not cause harmful interference to any satellite operator.

Respectfully submitted,

/s/

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