

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

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In the Matter of )

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**ECHOSTAR BROADCASTING CORPORATION** ) File No. SES-STA-2012\_\_\_\_-\_\_\_\_

) Call Sign E080120

Application for Renewal of Special )

Temporary Authority to Operate Two ) File No. SES-STA-2012\_\_\_\_-\_\_\_\_

Transmit/Receive Earth Stations with ) Call Sign E020306

EchoStar 6 at 76.95° W.L. )

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**APPLICATION FOR SPECIAL TEMPORARY AUTHORITY**

By this Application, and pursuant to Section 25.120(b)(4) of the Commission’s rules,<sup>1</sup> EchoStar Broadcasting Corporation (“EBC” and collectively with its affiliates, “EchoStar”) requests special temporary authority (“STA”) to operate two transmit/receive earth stations with the EchoStar 6 satellite at 76.95° W.L. for 30 days (Call Signs E080120 and E020306) to provide telemetry, tracking, and control (“TT&C”).

EchoStar 6 arrived at the 76.95° W.L. orbital location on February 13, 2011, and began providing service on February 14, 2011.<sup>2</sup> The relocation was prompted by a single event upset (“SEU”) that temporarily affected the EchoStar 8 satellite.<sup>3</sup> On March 14, 2011, EchoStar filed

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<sup>1</sup> See 47 C.F.R. § 25.120(b)(4).

<sup>2</sup> See Stamp Grant, File Nos. SAT-STA-20110207-00026 (granted Feb. 11, 2011); SAT-STA-20110225-00036 (granted Mar. 1, 2011); SAT-STA-20110401-00067 (granted Apr. 7, 2011); SAT-STA-20110608-00104 (granted June 14, 2011).

<sup>3</sup> See Letter from Petra A. Vorwig, Counsel for EchoStar Corporation, to Marlene H. Dortch, Secretary, FCC, *filed in* File No. SAT-T/C-20090217-00026 (Feb. 1, 2011).

an application to transfer EchoStar 6 to QuetzSat, S. de R.L. de C.V. (“QuetzSat”), intending to operate the satellite under Mexican authority from the 76.95° W.L. orbital location.<sup>4</sup> EchoStar also filed an application (“Blanket Earth Station Application”) to modify its blanket earth station authorization to receive service from the Mexican-licensed EchoStar 6 satellite.<sup>5</sup> After consultation with the Commission and in light of the satellite’s limited remaining life, EchoStar has concluded that the reflagging is no longer necessary, and therefore has withdrawn its reflagging application, and expects to operate EchoStar under U.S. authority for its remaining life.<sup>6</sup> The Mexican concessionaire for the 77° W.L. orbital location has informed COFETEL of this plan, and EchoStar understands that COFETEL has no objection to the continued operations of the EchoStar 6 satellite in the 77° W.L. cluster under Commission authority.

## **I. BACKGROUND**

The nominal 77° W.L. orbital location is allotted to Mexico under the Region 2 Broadcasting-Satellite Service plan set forth in Appendices 30 and 30A to the International Radio Regulations. In addition to the EchoStar 6 satellite, two other EchoStar Direct Broadcast Satellites (“DBS”) currently operate at the nominal 77° W.L. orbital location under Mexican authority issued to EBC’s partner, QuetzSat: EchoStar 1 and EchoStar 8. The satellites are used

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<sup>4</sup> See File No. SAT-T/C-20110314-00054 (filed Mar. 14, 2011). That application was filed subject to the then-pending *pro forma* assignment of the satellite to EchoStar Satellite Operating Corporation. See File No. SAT-ASG-20110224-00033 (granted Apr. 21, 2011).

<sup>5</sup> See File No. SES-MFS-20110314-00288 (filed Mar. 14, 2011) (“Blanket Earth Station Application”); see also File Nos. SES-MFS-20110314-00291, SES-MFS-20110314-00290, SES-MFS-20110314-00289 (filed Mar. 14, 2011) (requesting modifications to the referenced earth station licenses). These applications were filed subject to the proposed *pro forma* assignment of the earth station licenses to EBC. These *pro forma* assignments were consummated on May 26, 2011. See Letter from Pantelis Michalopoulos, Counsel for EchoStar Corporation and EchoStar Broadcasting Corporation, to Marlene H. Dortch, Secretary, FCC, File Nos. SES-ASG-20110228-00561, SES-ASG-20110228-00562, SES-ASG-20110228-00554 (June 3, 2011).

<sup>6</sup> See File No. SES-STA-20120924-00153 (filed Sept. 24, 2012).

by EchoStar's customers, DISH Network L.L.C. ("DISH") and DISH Mexico, to provide DBS service in the United States and Mexico, respectively. The U.S. service includes local-into-local programming in a number of markets in the southern United States. EchoStar 6, operating with EchoStar 1 and EchoStar 8 at 77° W.L., provides sufficient capacity to avoid service disruptions from that slot in the event any of the satellites experience a problem. EchoStar 1, a satellite launched in December 1995, has limited capability (only up to 16 transponders). The STA requested herein will allow EchoStar to transition control of EchoStar 6 from existing earth stations serving that function to the earth stations that are the subject of this application.<sup>7</sup>

## **II. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST**

This STA request is in the public interest for the reasons set forth in the Satellite STA Application<sup>8</sup> and the Blanket Earth Station Application, which are incorporated herein by reference. Furthermore, grant of this application will ensure the continued safe operation of EchoStar 6 at the 76.95° W.L. orbital location. Grant of this application will not cause harmful interference because EBC will operate the earth stations to conduct TT&C operations while EchoStar 6 is operating at 76.95° W.L. in accordance with the following conditions:

1. Operations shall be on a non-harmful interference basis, meaning that EchoStar shall not cause interference to, and shall not claim protection from, interference caused to it by any other lawfully operating satellites operating within the parameters of applicable international coordination agreements.
2. In the event that any harmful interference is caused while the satellite is operating at 77° W.L., EchoStar shall cease operations immediately upon notification of

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<sup>7</sup> Upon grant of this application, EchoStar will no longer require STA for two of its earth stations (Call Signs E980081 and E050017) to provide TT&C for EchoStar 6 at 76.95° W.L.

<sup>8</sup> See Stamp Grant, File No. SAT-STA-20110525-00098 (granted May 27, 2011) (granting EBC's sister company, EchoStar Satellite Operating Corporation, STA to operate the EchoStar 6 satellite at 76.95° W.L.) ("Satellite STA Application").

such interference and shall inform the Commission immediately, in writing, of such event.

### **III. 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, EBC 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.

### **IV. CONCLUSION**

For the foregoing reasons, EBC respectfully requests the grant of its application for special temporary authority to operate two transmit/receive earth stations (Call Signs E080120 and E020306) to provide TT&C service for EchoStar 6 at 76.95° W.L.

Respectfully submitted,

Pantelis Michalopoulos  
Stephanie A. Roy  
Jessica I. Rothschild  
**Steptoe & Johnson LLP**  
1330 Connecticut Avenue, NW  
Washington, D.C. 20036  
(202) 429-3000  
*Counsel for EchoStar Broadcasting Corporation*

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

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