

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

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In the Matter of	)	File No. SES-STA-2012____-____
	)	Call Sign E080120
<b>ECHOSTAR BROADCASTING CORPORATION</b>	)	
	)	File No. SES-STA-2012____-____
Applications for Special Temporary	)	Call Sign E020306
Authority to Operate Three	)	
Transmit/Receive Earth Stations with	)	File No. SES-STA-2012____-____
EchoStar 6 at 76.80° W.L.	)	Call Sign E070273
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**APPLICATIONS FOR SPECIAL TEMPORARY AUTHORITY**

By this Application, and pursuant to Section 25.120(b)(4) of the Commission’s rules,<sup>1</sup> beginning on or about December 2, 2012, EchoStar Broadcasting Corporation (“EBC” and collectively with its affiliates, “EchoStar”) requests 30-day special temporary authority (“STA”) to operate three transmit/receive earth stations (Call Signs E080120, E020306, and E070273) to provide telemetry, tracking, and control (“TT&C”) to the EchoStar 6 satellite during a move to a new location within the 77° W.L. orbital cluster, 76.80° W.L., and to provide TT&C for the satellite once at its new location.

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

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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).

(“SEU”) that temporarily affected the EchoStar 8 satellite.<sup>3</sup> On March 14, 2011, EchoStar filed 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 concluded that the reflagging was no longer necessary and withdrew its reflagging application.<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.

EchoStar plans to direct the move of the QuetzSat-1 satellite to 77.05° W.L. beginning in December 2012. In anticipation of this move, EchoStar seeks to move EchoStar 6 from 76.95° W.L. to 76.80° W.L. and to move EchoStar 8 from 77.05° W.L. to 76.90° W.L.

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<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).

<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 then-pending 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).

## **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. EchoStar 8 is used by EchoStar’s customers, DISH Network L.L.C. (“DISH”) and DISH Mexico, to provide DBS service in the United States and Mexico, and EchoStar 6 and EchoStar 1 provide backup to the United States and Mexico services, 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.

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

These applications are in the public interest for the reasons set forth in the Satellite STA Application<sup>7</sup> and the Blanket Earth Station Application, which are incorporated herein by reference. Furthermore, grant of these applications will ensure the continued safe operation of EchoStar 6 at the nominal 77° W.L. orbital location as the satellite is moved to accommodate the pending arrival of QuetzSat-1.

## **III. OPERATIONAL PARAMETERS**

During relocation maneuvers and maintenance of EchoStar 6 at the 76.80° W.L. orbital location, the earth station and satellite will operate subject to the following conditions:

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<sup>7</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”).

1. During the drift to the 76.80° W.L. orbital location, and while maintaining an orbit at that location, EchoStar shall not operate the main communications payload on EchoStar 6.
2. All drift orbit TT&C operations will be coordinated with other potentially affected in-orbit operators.
3. Drift operations and operations at 76.80° W.L. shall be on a non-harmful interference basis, meaning that EchoStar 6 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 TT&C operations during the relocation of the EchoStar 6 satellite or while the satellite is at 76.80° W.L., EchoStar 6 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, 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.

#### **V. CONCLUSION**

For the foregoing reasons, EBC respectfully requests the grant of its application for special temporary authority to operate three transmit/receive earth stations (Call Signs E080120, E020306, and E070273) to provide TT&C service during the relocation to and operation of EchoStar 6 at 76.80° W.L.

