

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

In the Matter of

ECHOSTAR BROADCASTING CORPORATION

Application for Special Temporary Authority
to Operate Ten Transmit/Receive and
Feeder Link Earth Stations to Communicate
with the EchoStar 16 Satellite at 61.5° W.L.

File No. SES-STA-2013_____-_____
Call Signs: E980081, E050017, E070283,
E080215, E080008, E080214,
E080015, E070284, E080213, and
E080216

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

I. INTRODUCTION AND BACKGROUND

Pursuant to Section 25.120(b)(3) of the Commission's rules,¹ EchoStar Broadcasting Corporation ("EBC" and with its affiliates, "EchoStar") respectfully requests 60-day Special Temporary Authority ("STA"), commencing on January 14, 2013, to permit EBC to operate ten earth stations (Call Signs E980081, E050017, E070283, E080215, E080008, E080214, E080015, E070284, E080213, and E080216) to perform telemetry, tracking, and control ("TT&C") and feeder-link operations with its Direct-Broadcast Satellite ("DBS"), EchoStar 16, at the 61.5° W.L. orbital location.² EBC has already filed modifications for all ten earth stations requesting

¹ See 47 C.F.R. § 25.120(b)(3).

² EchoStar requests authorization to communicate with EchoStar 16 using all frequencies for which the satellite is authorized. See *Grant Stamp*, File No. SAT-LOA-20110902-00172, Call Sign S2844 (granted Jun. 22, 2012); *Grant Stamp*, File No. SAT-MOD-20120829-00144, Call Sign S2844 (granted Nov. 19, 2012).

permanent authority to use these earth stations to communicate with EchoStar 16 at 61.5° W.L. The Commission previously approved two similar modification requests.³

EchoStar recently completed in-orbit testing of EchoStar 16 at 67.1° W.L., and the satellite has been relocated to its permanent location at 61.5° W.L.⁴ Grant of this application will permit EchoStar to bring the EchoStar 16 satellite into service in a timely manner.

II. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

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

Grant of these STAs will allow EchoStar to bring the EchoStar 16 satellite into use in a timely manner, while it awaits modification of its earth station authorizations to permanently communicate with the EchoStar 16 satellite. The Commission has previously found that deployment of new DBS capacity serves the public interest, convenience, and necessity.⁶

Furthermore, this application will not result in harmful interference to any authorized user of the spectrum. Currently, the only DBS satellites licensed within the vicinity of 61.5° W.L. are operated by EchoStar—EchoStar 12, EchoStar 15, and EchoStar 16. EchoStar will, of

³ See File No. SES-MFS-20110627-00739, Call Sign E080007 (granted Nov. 30, 2012); File No. SES-MFS-20120315-00269, Call Sign E070014 (granted Jun. 29, 2012). The Commission has previously also approved three other earth stations for in-orbit testing and relocation of EchoStar 16. See File Nos. SES-STA-20120316-00274, Call Sign E070014 (granted Nov. 20, 2012); SES-STA-20120316-00275, Call Sign E980005 (granted Nov. 20, 2012); File No. SES-STA-20120614-00508, Call Sign E080120 (granted Nov. 28, 2012).

⁴ EchoStar will shortly file a notice of consummation of service for EchoStar 16 with the Commission.

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).

⁶ See, e.g., DIRECTV Enterprises, *Order and Authorization*, 14 FCC Rcd. 13159 (1999).

course, ensure that the operation of these satellites does not cause harmful interference to its own satellites.

III. OPERATIONAL PARAMETERS

While communicating with EchoStar 16 at 61.5° W.L., EBC will operate under the following conditions:

1. Operations shall be on a non-harmful interference basis, meaning that EBC 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 61.5° W.L., EBC shall cease operations immediately upon notification of such interference and shall inform the Commission immediately, in writing, of such event.

IV. SECTION 304 WAIVER

In accordance with Section 304 of the Communications Act of 1934, 47 U.S.C. § 304, EBC hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum 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 a 60-day STA, commencing on or about January 14, 2013, to operate ten earth stations (Call Signs E980081, E050017, E070283, E080215, E080008, E080214, E080015, E070284, E080213, and E080216) to perform TT&C and feeder-link operations with EchoStar 16 at 61.5° W.L.

Respectfully submitted,

/s/

Dean Manson
General Counsel
EchoStar Broadcasting Corporation
11717 Exploration Lane
Germantown, MD 20876

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

January 7, 2013