

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

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In the Matter of	)	
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<b>ECHOSTAR 77 CORPORATION</b>	)	File No. SES-STA-20121203-01054
	)	File No. SES-STA-2013 ____ - ____
Application for Renewal of Special Temporary	)	Call Sign E050196
Authority to Operate with EchoStar 8, a	)	
Mexican-Licensed Satellite, at 76.90° W.L.	)	
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**APPLICATION FOR RENEWAL OF SPECIAL TEMPORARY AUTHORITY FOR  
BLANKET EARTH STATION**

EchoStar 77 Corporation (“EchoStar 77”) seeks renewal of a special temporary authority (“STA”) to operate its blanket earth station (Call Sign E050196) to communicate with the EchoStar 8 satellite at 76.90° W.L., where it will continue to be operated by QuetzSat, S. de R.L. de C.V. (“QuetzSat”) as a Mexican-licensed satellite. The current STA expired on January 26, 2013.<sup>1</sup> An application for a 30-day renewal of this STA was filed on January 22, 2013, which remains pending before the Commission.<sup>2</sup> EchoStar 77 is filing this application to further renew its STA for another 30 days.

**I. BACKGROUND**

The nominal 77° W.L. orbital location is allotted to Mexico under the Region 2 Broadcasting-Satellite Service (“BSS”) plan set forth in Appendices 30 and 30A to the

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<sup>1</sup> See Stamp Grant, File No. SES-STA-20121203-01054 (granted Dec. 28, 2012).

<sup>2</sup> See File No. SES-STA-20130122-00079 (filed Jan. 22, 2013). EchoStar 77 has continued operating pursuant to its previously granted STA, under Section 1.62 of the Commission’s rules. 47 C.F.R. § 1.62.

international Radio Regulations. QuetzSat is an affiliate of SES Global Latin America, S.A. and SES S.A. (collectively, “SES”), with which EchoStar 77 has entered into an agreement for the development of the nominal Mexican BSS location at 77° W.L. EchoStar 8 is operating as a Mexican-licensed satellite pursuant to an exchange of letters between the Commission and the Mexican Administration.<sup>3</sup>

To make room for QuetzSat-1 at 77.05° W.L., EchoStar 8 was moved within the 77° W.L. orbital cluster from 77.05° W.L. to 76.90° W.L. The satellite is operating with 0.05° stationkeeping, and thus will remain at all times within the Mexican orbital cluster. The satellite is subject to the same terms and conditions set forth in the exchange of letters, and operates as a Mexican-licensed satellite. EchoStar 77 understands that the use of the EchoStar 8 satellite at the nominal 77° W.L. orbital location is directly encompassed within the authority granted in QuetzSat’s existing concession.<sup>4</sup>

## **II. THIS APPLICATION IS IN THE PUBLIC INTEREST AND WILL NOT CAUSE HARMFUL INTERFERENCE**

This STA request is in the public interest for the reasons set forth in the original STA application, which is incorporated herein by reference.<sup>5</sup> Grant of this application will ensure the continued safe operation of EchoStar 8 at the 76.90° W.L. orbital location and will not cause harmful interference to any authorized users of spectrum because there are no DBS orbital

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<sup>3</sup> See Radio Authorization, File No. SAT-T/C-20090217-00026 (granted Sept. 17, 2010).

<sup>4</sup> That concession is not limited to the operations of any particular satellite at 77° W.L. See Secretariat of Communications and Transportation Vice-Ministry of Communications, Concesion Para Ocupar La Posicion Orbital Geoestacionaria 77° Oeste Asignada al Pais y Explotar Sus Respektivas Bandas de Frecuencias 12.2-12.7 GHz y 17.3-17.8 GHz, Asi como los Derechos de Emision y Recepcion de Señales, granted February 2, 2005 (“BSS Concession”), at 4, filed in File No. SAT-STA-20080616-00121 (granted Oct. 21, 2008) (“*EchoStar 8 Application*”).

<sup>5</sup> See Stamp Grant, File No. SES-STA-20121203-01054 (granted Dec. 28, 2012).

locations in the vicinity assigned to the United States, EchoStar 77 leases all transponders from Telesat at 72.7° W.L., and EchoStar 77 will continue to operate in full conformity with existing coordination agreements with the Administrations of Canada and Mexico and/or any future coordination agreements.

### **III. GRANT OF THIS APPLICATION IS CONSISTENT WITH THE COMMISSION'S *DISCO II* POLICIES**

Grant of this application is consistent with the Commission's *DISCO II* policies for the reasons set forth in the original STA application.<sup>6</sup> Under its *DISCO II* framework, the Commission evaluates whether the provision of service into the United States from a foreign-licensed satellite will serve the public interest. The *DISCO II* analysis includes consideration of a number of factors, including the effect on competition in the United States; eligibility and operating requirements; spectrum availability; and national security, law enforcement, foreign policy, and trade concerns.<sup>7</sup> As part of this analysis, the Commission examines the "effective competitive opportunities" afforded to U.S. market access.<sup>8</sup>

The United States and Mexico have a bilateral agreement in place related to the provision of Direct-to-Home ("DTH") service.<sup>9</sup> Under *DISCO II*, such a bilateral agreement "acts as a

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<sup>6</sup> *See id.*

<sup>7</sup> *See DISCO II*, 12 FCC Rcd. at 24107-72.

<sup>8</sup> *Id.* at 24098 ("For satellites licensed by non-WTO Members and for all satellites providing Direct-to-Home (DTH), Direct Broadcasting Satellite (DBS), and Digital Audio Radio Services (DARS), we will examine whether U.S. satellites have effective competitive opportunities in the relevant foreign markets to determine whether allowing the foreign-licensed satellite to serve the United States would satisfy the competition component of the public interest analysis.").

<sup>9</sup> *See* Agreement between the Government of the United States of America and the Government of the United Mexican States Concerning the Transmission and Reception from Satellites for the Provision of Satellite Services to Users in the United States of America and the United Mexican States (Apr. 28, 1996); Article I and Protocol Concerning the Transmission and Reception of

(Continued ...)

gateway to, and a guarantee of, increased competition in the two countries at both ends of the agreement.”<sup>10</sup> Therefore, in cases such as this one, in which U.S. earth stations seek to communicate with a Mexican-flagged space station, the Commission assumes that the application would enhance competition and “no further market access analysis is required.”<sup>11</sup>

Finally, EchoStar 77 has demonstrated compliance with the Commission’s eligibility and operating requirements.<sup>12</sup> There are no spectrum availability, national security, law enforcement, foreign policy, or trade concerns that have arisen since the original STA application was initially granted that would warrant different treatment.

#### **IV. CONCLUSION**

For the foregoing reasons, EchoStar 77 respectfully requests that the Commission grant its application for renewal of STA to operate its blanket earth station (Call Sign E050196) to communicate with the EchoStar 8 satellite at 76.90° W.L.

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Signals from Satellites for the Provision of Direct-to-Home Satellite Services in the United States of America and the United Mexican States (Nov. 8, 1996).

<sup>10</sup> *DISCO II*, 12 FCC Rcd. at 24157 ¶ 143.

<sup>11</sup> See *EchoStar Satellite L.L.C., Order and Authorization*, 21 FCC Rcd. 44077, 4080 ¶ 8 n.20 (2006).

<sup>12</sup> See *EchoStar 8 Application*, Technical Annex and Schedule S.

Respectfully submitted,

**EchoStar 77 Corporation**

/s/

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