

E080120 SES-STA-20130305-00239 IB2013000522
EchoStar Broadcasting Corporation


Approved by OMB
3060-0678

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:
Renewal of 30-Day Special Temporary Authority to Operate Call Sign E080120 to Provide TT&C Communications for EchoStar 6 at 76.80 W.L.

1. Applicant

Name:	EchoStar Broadcasting Corporation	Phone Number:	202-293-0981
DBA Name:		Fax Number:	
Street:	100 Inverness Terrace East	E-Mail:	
City:	Englewood	State:	CO
Country:	USA	Zipcode:	80112 -
Attention:			



GRANTED
International Bureau

File # SES-STA-20130305-00239
E080120
Call Sign _____ Grant Date 3-14-13
(or other identifier)
From 3-14-13 Term Dates To: 4-13-13
Approved: Paul E. Alder

Applicant: EchoStar Holding Purchasing Corporation
Call Sign: E080120
File Number: SES-STA-20130305-00239

EchoStar Holding Purchasing Corporation (EchoStar) is granted special temporary authority for 30-days to continue operations previously granted under IBFS File No. SES-STA-20130123-00086 under the following conditions:

1. EchoStar, shall not cause harmful interference to, and shall not claim protection from, interference caused to it by any other lawfully operating station and it shall cease transmission(s) immediately upon notice of such interference.
2. In the event that there is a report of interference EchoStar must immediately terminate transmissions and notify the FCC in writing.
3. Grant of this authorization is without prejudice to any determination that the Commission may make regarding pending or future EchoStar applications.
4. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at EchoStar 's risk.
5. Pursuant to Section 1.62 of the Commission's rules, 47 C.F.R. § 1.62, continued operation of this earth station with EchoStar 6 at 76.8 degrees W.L. with grant date of February 6, 2013 continued in effect until grant of this authorization.
6. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately.

	
File #	<u>SES-STA-20130305-00239</u>
Call Sign	<u>E080120</u>
(or other identifier)	
Grant Date	<u>3-14-13</u>
From	<u>3-14-13</u>
To	<u>4-13-13</u>
Term Date	
Approved:	<u>[Signature]</u>

2. Contact

Name:	Pantelis Michalopoulos	Phone Number:	202-429-6494
Company:	Steptoe & Johnson LLP	Fax Number:	202-429-3902
Street:	1330 Connecticut Ave. NW	E-Mail:	pmichalopoulos@steptoe.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036 -1795
Attention:		Relationship:	Legal Counsel

(If your application is related to an application filed with the Commission, enter either the file number or the IB Submission ID of the related application. Please enter only one.)

3. Reference File Number SESSTA2013012300086 or Submission ID

4a. Is a fee submitted with this application?

- If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).
- Governmental Entity Noncommercial educational licensee
- Other (please explain):

4b. Fee Classification CGX – Fixed Satellite Transmit/Receive Earth Station

5. Type Request

- Use Prior to Grant Change Station Location Other

6. Requested Use Prior Date

7. City Cheyenne

8. Latitude
(dd mm ss.s h) 41 7 54.4 N

9. State WY	10. Longitude (dd mm ss.s h) 104 44 13.0 W
11. Please supply any need attachments. Attachment 1: Narrative Attachment 2: Attachment 3:	
12. Description. (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.) <div style="border: 1px solid black; padding: 5px;"> <p>EchoStar Broadcasting Corporation requests renewal of a 30-day Special Temporary Authority to operate its transmit/receive earth station E080120 to provide TT&C for EchoStar 6 at 76.80 W.L. See attached narrative.</p> </div>	
13. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes. <input checked="" type="radio"/> Yes <input type="radio"/> No 	
14. Name of Person Signing Pantelis Michalopoulos	15. Title of Person Signing Counsel for EchoStar Broadcasting Corporation
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).	

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

In the Matter of)	File No. SES-STA-20130123-00086
)	File No. SES-STA-2013 _____
)	Call Sign E080120
)	
ECHOSTAR BROADCASTING CORPORATION)	File No. SES-STA-20130123-00085
)	File No. SES-STA-2013 _____
Applications for Renewal of Special)	Call Sign E020306
Temporary Authority to Operate Three)	
Transmit/Receive Earth Stations with)	File No. SES-STA-20130123-00084
EchoStar 6 at 76.80° W.L.)	File No. SES-STA-2013 _____
)	Call Sign E070273
)	

APPLICATIONS FOR RENEWAL OF SPECIAL TEMPORARY AUTHORITY

By this Application, and pursuant to Section 25.120(b)(4) of the Commission's rules,¹ EchoStar Broadcasting Corporation ("EBC" and collectively with its affiliates, "EchoStar") requests renewal of a 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 at 76.80° W.L. The current STAs expire on March 8, 2013.²

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. EchoStar currently operates four Direct Broadcast Satellites ("DBS") at the

¹ See 47 C.F.R. § 25.120(b)(4).

² See Stamp Grant, File Nos. SES-STA-20130123-00086, Call Sign E080120 (granted Feb. 6, 2013); SES-STA-20130123-00085, Call Sign E020306 (granted Feb. 6, 2013); SES-STA-20130123-00084, Call Sign E070273 (granted Feb. 6, 2013).

nominal 77° W.L. orbital location under Mexican authority issued to EBC's partner, QuetzSat, S. de R.L. de C.V. ("QuetzSat"): EchoStar 1 (77.15° W.L.), EchoStar 6 (76.80° W.L.), EchoStar 8 (76.90° W.L.), and QuetzSat-1 (77.05° W.L.). With the launch and drift of QuetzSat-1 to the 77° W.L. orbital location, where it has been put into operation, EchoStar 6 has become available for other uses in the EchoStar satellite fleet; applications to relocate EchoStar 6 to 96.2° W.L. are currently pending before the Commission.³ EchoStar 1 continues to provide backup capacity for the orbital cluster, while QuetzSat-1 and EchoStar 8 are used by EchoStar's customers, DISH Network L.L.C. ("DISH") and DISH Mexico, to provide DBS service in the United States and Mexico. The U.S. service includes local-into-local programming in a number of markets in the southern United States.

EchoStar relocated EchoStar 6 to the nominal 77° W.L. orbital location in February 2011⁴—a move prompted by a single event upset that temporarily affected the EchoStar 8

satellite.⁵ On March 14, 2011, EchoStar filed an application to transfer EchoStar 6 to QuetzSat,

³ EchoStar has applied for STA and a modification of authority to relocate EchoStar 6 from the 77° W.L. nominal orbital location and operate it at 96.2° W.L. *See* File Nos. SAT-STA-20130220-00023 (filed Feb. 20, 2013) (requesting STA beginning on or before March 12, 2013); SAT-MOD-20130227-00026 (filed Feb. 27, 2013). EchoStar has also applied for STA to operate the three earth stations that are the subject of this application to provide the necessary telemetry, tracking, and control ("TT&C") and feeder-link services to EchoStar 6 during its relocation to, and operation at, 96.2° W.L. *See* File Nos. SES-STA-20130222-00207, Call Sign E080120 (filed Feb. 22, 2013); SES-STA-20130222-00206, Call Sign E020306 (filed Feb. 22, 2013); SES-STA-20130222-00208, Call Sign E070273 (filed Feb. 22, 2013). However, as all of these applications are still pending, EchoStar is applying to renew the existing STA for these earth stations to operate with EchoStar 6 at 76.80° W.L.

⁴ *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).

⁵ *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).

intending to operate the satellite under Mexican authority from the nominal 77° W.L. orbital location.⁶ 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.⁷

After consulting with the Commission, EchoStar concluded that the reflagging was no longer necessary and withdrew its reflagging application.⁸ Instead, EchoStar 6 currently operates at 76.80° W.L. pursuant to a 180-day STA.⁹ 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.

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 Application¹⁰ and the Blanket Earth Station Application, which are incorporated herein by

⁶ 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).

⁷ 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).

⁸ See File No. SES-STA-20120924-00153 (filed Sept. 24, 2012).

⁹ See Stamp Grant, File No. SAT-STA-20121203-00207 (granted Jan. 17, 2013).

¹⁰ 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”).

reference. Furthermore, grant of these applications will ensure the continued safe operation of EchoStar 6 at the nominal 77° W.L. orbital location.

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 three transmit/receive earth stations (Call Signs E080120, E020306, and E070273) to provide TT&C service for EchoStar 6 at 76.80° W.L.

Respectfully submitted,

/s/

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(202) 429-3000
*Counsel for EchoStar Broadcasting
Corporation*

March 5, 2013