

SES-STA-20130502-00365
E080120

Approved by OMB
3060-0678

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

60 days

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:
E080120

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:			



60 days

"With conditions"

File # SES-STA-20130502-00365

Call Sign E080120 Grant Date 05/08/2013
(or other identifier)

Term Dates
From 05/08/2013 To 07/06/2013

Approved: Paul E. Hiler

Applicant: EchoStar Broadcasting Corporation

Call Signs:	File Numbers:
E080120	SES-STA-20130502-00365
E070014	SES-STA-20130502-00366
E080007	SES-STA-20130502-00367
E020248	SES-STA-20130502-00368
E980005	SES-STA-20130502-00369

EchoStar Broadcasting Corporation is granted special temporary authority from May 8, 2013 to July 6, 2013, to operate a above fixed earth station to conduct telemetry, tracking, and command (TT&C) operations necessary to drift EchoStar 15 (S2811) from its currently authorized orbital location of 61.5° W.L. to the 45.1° W.L. orbital location, and to maintain EchoStar 15 at 45.1° W.L., using the following center frequencies: 17.7915 GHz and 17.7935 GHz (Earth-to-space); and 12.6920 GHz, 12.6930 GHz, 12.6945 GHz, and 12.6985 GHz (space-to-Earth).^[1] EchoStar is also authorized to provide Broadcasting-Satellite Service (BSS) on a temporary basis via EchoStar 15 at 45.1° W.L. in the 12.2-12.7 GHz (space-to-Earth) and 17.3-17.8 GHz (Earth-to-space) frequency bands. Operations under this authorization are subject to the terms, conditions, and technical specifications set forth in EchoStar's application and the Federal Communications Commission's rules, and are subject to the conditions set forth below.

1. All operations under this grant of special temporary authority must be on an unprotected and non-harmful interference basis. EchoStar must not cause harmful interference to, and must not claim protection from interference caused to it by, any other lawfully operating radio communication system.
2. In the event EchoStar's operations under this grant of special temporary authority cause harmful interference to any other lawfully operating radio communication system, EchoStar must cease operations immediately upon notification of such interference and must immediately inform the Commission, in writing, of such an event.
3. EchoStar must coordinate operations of EchoStar 15 with existing geostationary space stations to ensure that no unacceptable interference results from its operations at the 45.1° W.L. orbital location or during the drift to the 45.1° W.L. orbital location.
4. EchoStar must operate only the TT&C frequencies on EchoStar 15 during the drift from the 61.5° W.L. orbital location to the 45.1° W.L. orbital location.
5. EchoStar must maintain the EchoStar 15 space station with an east/west longitudinal station-keeping tolerance of +/- 0.05 degrees of the 45.1° W.L. orbital location.
6. This authorization is issued with the understanding that, to the extent EchoStar and its affiliated companies, pursuant to any arrangement with the Brazilian Administration, conforms its operations to any parameters agreed to in coordination agreements between the Brazilian Administration and other Administrations, responsibility for both compliance with, and enforcing compliance with, those arrangements and agreements is a matter that would arise under private law.

^[1] The Commission previously authorized EchoStar to relocate EchoStar 15 to, and operate it at, the 44.9° W.L. orbital location, instead of its current authorized location of 61.5° W.L. See IBFS File Nos. SAT-STA-20121022-00185 (granted Nov. 19, 2012) and SAT-MOD-20120814-00130 (granted Dec. 13, 2012). EchoStar did not, however, relocate EchoStar 15 from the 61.5° W.L. EchoStar now states that permanent operations of EchoStar 15 are intended to take place at the 45.1° W.L. orbital location, rather than at previously authorized location of 44.9° W.L. See Narrative at 2.

7. The United States remains the licensing administration of the EchoStar 15 space station and its communications payloads for purposes of International Telecommunication Union (ITU) Radio Regulation 18.1 and is the administration responsible for the operations of EchoStar 15. The U.S. Administration will not object to use of the EchoStar 15 satellite by the Brazilian Administration for claiming bringing into use or continuing the use of orbital assignments at 45.1° W.L. This grant does not in any way express a view concerning, or agreement as to, the validity or lack of validity of any ITU filing at or within the vicinity of the 45.1° W.L. orbital location.


8. In connection with the provision of service in any particular country, EchoStar is obliged to comply with the applicable laws, regulations, rules, and licensing procedures of that country.

9. Any action taken or expense incurred as a result of operations pursuant to this grant of special temporary authority is at EchoStar's own risk.

10. Grant of this authorization is without prejudice to any determination that the Commission may make regarding IBFS File No. SAT-MOD-20130503-00066 and IBFS File Nos. SES-MFS-20130503-00359, SES-MFS-20130503-00360, SES-MFS-20130503-00361, SES-MFS-20130503-00362, SES-MOD-20130503-00364.

11. This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release.

1' 60 days" with conditions

	File# <u>SES-STA-20130502-00365</u>
GRANTED International Bureau	Call Sign <u>E080120</u> Grant Date <u>05/08/2013</u>
	(or other identifier)
	Term Dates From <u>05/08/2013</u> To: <u>07/06/2013</u>
	Approved: <i>[Signature]</i>

2. Contact

Name:	Pantelis Michalopoulos	Phone Number:	202-429-6494
Company:	Steptoe & Johnson LLP	Fax Number:	202-429-3902
Street:	1330 Connecticut Ave	E-Mail:	pmichalopoulos@steptoe.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036 -
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 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; margin: 5px 0;"> Request STA to communicate with EchoStar 15 during relocation to 45.1 WL and once on station at 45.1 WL pending grant of permanent modification </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 to 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

**ECHOSTAR BROADCASTING
CORPORATION**

Application for 60-day Special
Temporary Authority to Relocate the
EchoStar 15 Satellite to, and Operate It
at, the Nominal 45° W.L. Orbital
Location

File No. SES-STA-_____
Call Sign E070014

File No. SES-STA-_____
Call Sign E080007

File No. SES-STA-_____
Call Sign E980005

File No. SES-STA-_____
Call Sign E020248

File No. SES-STA-_____
Call Sign E080120

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

EchoStar Broadcasting Corporation (“EchoStar Broadcasting,” and with its affiliates, “EchoStar”) requests 60-day special temporary authority (“STA”), pursuant to Section 25.120(b)(4) of the Commission’s Rules,¹ to use five of its earth stations (Call Signs E070014, E080007, E980005, E020248, and E08120) to provide telemetry, tracking, and control (“TT&C”) during the relocation of the EchoStar 15 Broadcasting-Satellite Service (“BSS”) satellite to the nominal 45° W.L. orbital location and to perform TT&C and feeder link operations with the satellite at that location.²

¹ 47 C.F.R. § 25.120(b)(4).

² EchoStar Broadcasting requests STA to use all frequencies currently authorized for each earth station. *See* Call Sign E070014, File No. SES-MFS-20120815-00748 (granted Feb. 27, 2013); Call Sign E080007, File Nos. SES-MFS-20110419-00464, SES-AFS-20120214-00170 (granted Feb. 28, 2012); Call Sign E980005, File No. SES-MFS-20120815-00749 (granted Feb. 27, 2013); Call Sign E020248, File No. SES-MOD-20120815-00750 (granted Dec. 28, 2012); Call Sign E080120, File No. SES-MFS-20121203-01052 (granted Mar. 28, 2013). Should the Commission decide that a 30-day STA is more appropriate in these circumstances, EchoStar will

I. OVERVIEW

In late 2012, the Commission authorized EchoStar to relocate EchoStar 15 to, and operate it at, 44.9° W.L.³ Today, EchoStar filed its notice as required by the relocation STA for that move that it has successfully transferred all traffic from EchoStar 15 to EchoStar 16.⁴

Accordingly, EchoStar holds today the authority, once it receives appropriate earth station authority, to commence EchoStar 15's move to, and operations at, the 45° W.L. cluster. Out of an abundance of caution, in addition to its requests for earth station STA, EchoStar submits today a request for satellite STA to allow relocation to the 45.1° W.L. orbital location instead of the 44.9° W.L. location as originally requested and granted. Because our permanent operations are now intended to take place at the 45.1° W.L. orbital location, our operational preference is to position EchoStar 15, our interim satellite, at that orbital location.⁵

As the Commission is aware, HNS Americas Comunicações Ltda. ("HNSA"), a wholly owned, indirect subsidiary of EchoStar Corporation, ESOC's ultimate parent company, holds an

accept a 30-day STA in lieu of the requested 60-day authorization. Concurrent with this request, EchoStar is also submitting a satellite STA request for relocation to, and initial operations at, the 45.1° W.L. orbital location. EchoStar will also soon file to modify the permanent authorizations for EchoStar 15 and these earth stations to permit ongoing operations at the 45.1° W.L. orbital location.

³ See *Stamp Grant*, File No. SAT-STA-20121022-00185 (granted Nov. 19, 2012) (authorizing relocation to 44.9° W.L. pursuant to STA); *Stamp Grant*, File No. SAT-MOD-20120814-00130 (granted Dec. 13, 2012) (authorizing operations at 44.9° W.L.).

⁴ *Stamp Grant*, File No. SAT-STA-20121022-00185 Condition 10 (granted Nov. 19, 2012) (providing a start date for the STA corresponding to the date that the transfer of all traffic from EchoStar 15 to EchoStar 16 is complete). To continue to provide system redundancy at the 61.5° W.L. orbital location, EchoStar will file an application seeking authority to move the EchoStar 8 satellite to the 61.5° W.L. cluster and to operate it there as an in-orbit spare.

⁵ As the Commission is aware, EchoStar cannot operate at the 45.0° W.L. orbital location due to an existing Fixed Satellite Service space station at that location.

authorization to provide BSS services to Brazil from the nominal 45° W.L. orbital location.⁶ EchoStar has coordinated with Agência Nacional de Telecomunicações (“Anatel”), which represents the administration of Brazil, on the precise location of operations within the cluster and has submitted to Anatel materials for an ITU filing for the 45.1° W.L. operations.⁷

Since the 45.1° W.L. orbital location is the preferred operating location for EchoStar’s Brazilian BSS service operation, EchoStar requests that it be granted an STA to move EchoStar 15 to, and operate from, this location.

II. THIS REQUEST IS IN THE PUBLIC INTEREST, IS CONSISTENT WITH PAST PRECEDENT, AND WILL NOT CAUSE HARMFUL INTERFERENCE

The Commission has a long-standing policy of granting STAs where such an authorization will serve the public interest, convenience, and necessity, and will not cause harmful interference.⁸ The requested relocation of EchoStar 15 meets both of these tests. It has long been the Commission’s policy that the public interest is generally furthered by leaving fleet management decisions to satellite operators. As the International Bureau has explained:

[T]he Commission attempts, when possible, to leave spacecraft design decisions to the space station licensee because the licensee is in a better position to determine how to tailor its system to meet the particular needs of its customers. Consequently the Commission will generally grant a licensee’s request to modify its

⁶ A certified translation of the Brazilian authorization is attached. See Exhibit 1, Term of Right of Exploitation at 2 (referencing “45° W”).

⁷ Grant of the requested satellite STA would be without prejudice to the Commission’s potential action on EchoStar’s outstanding application to launch and operate a Fixed Satellite Service (“FSS”) satellite at the 45.1° W.L. orbital location. See File No. SAT-LOA-20120921-00152 (filed Sept. 21, 2012).

⁸ See, e.g., Columbia Communications Corp., *Order*, 11 FCC Rcd. 8639, 8640 (1996); Newcomb Communications, Inc., *Order and Authorization*, 8 FCC Rcd. 3631, 3633 (1993); American Telephone & Telegraph Co., *Order*, 8 FCC Rcd. 8742 (1993).

system, provided there are no compelling countervailing public interest considerations.⁹

As a result, the Commission has routinely authorized “satellite operators to rearrange satellites in their fleet to reflect business and customer considerations where no public interest factors are adversely affected.”¹⁰ This includes permitting fleet reconfigurations designed to meet demands for capacity outside the United States.¹¹ Grant of this application is in the public interest for the same reasons that grant of the original STAs to relocate the EchoStar 15 satellite to the nominal 45° W.L. orbital location were in the public interest. Grant of this application will enable an American company to leverage its resources to expand its service offering to Brazil. Further, grant of this application provides a new potential avenue for U.S. programming to reach an audience in Brazil, a significant South American market.

Similarly, there are no countervailing public interest considerations. No customers will be negatively affected by the relocation, as the customers previously serviced by EchoStar 15 have been transferred to EchoStar 16. Nor will grant cause harmful interference to any authorized user of the spectrum. During EchoStar 15’s relocation to, and operations at, the nominal 45° W.L. orbital location, EchoStar will follow standard industry practices for

⁹ AMSC Subsidiary Corp., *Order and Authorization*, 13 FCC Rcd. 12316, 12318 ¶ 8 (1998).

¹⁰ See SES Americom, Inc., *Order and Authorization*, 21 FCC Rcd. 3430, 3433 ¶ 8 (2006) (citing Amendment of the Commission’s Space Station Licensing Rules and Policies, *Second Report and Order*, 18 FCC Rcd. 12507, 12509 ¶ 7 (2003)).

¹¹ See EchoStar Satellite Operating Corp., *Stamp Grant*, File No. SAT-MOD-20120814-00130 (granted Dec. 13, 2012) (granting modification of the authorization for EchoStar 15 to provide service to Brazil); Intelsat License LLC, *Stamp Grant*, File No. SAT-MOD-20110420-00073 (granted Mar. 3, 2012) (granting modification of the authorization for the Galaxy 26 satellite to provide service to the Middle East pursuant to a Turkish ITU filing); SES Americom, Inc., *Stamp Grant*, File No. SAT-MOD-20111025-00209 (granted Feb. 24, 2012) (granting modification of the authorization for AMC-2 to provide service exclusively into Sweden pursuant to a Swedish ITU filing); Intelsat North America LLC, *Stamp Grant*, File No. SAT-T/C-20100112-00009 (granted July 30, 2010); PanAmSat License Corp., *Stamp Grant*, File No. SAT-MOD-20080225-00051 (granted July 22, 2008).

coordination of TT&C and feeder link transmissions to ensure that operations do not cause harmful interference to any nearby satellite and will abide by the operational parameters set forth below.

III. OPERATIONAL PARAMETERS

During relocation maneuvers of EchoStar 15 to the nominal 45° W.L. orbital location, all transponders other than the TT&C transponders will be switched off, and EchoStar will operate the satellite subject to the following conditions:

1. EchoStar shall coordinate all drift operations with other potentially affected in-orbit operators.
2. Drift operations shall be on a non-harmful interference basis, meaning that EchoStar shall not cause harmful interference to, and shall not claim protection from, harmful interference caused to it by any other lawfully operating satellites.
3. In the event that any harmful interference is caused as a result of relocation operations, EchoStar shall cease operations immediately upon notification of such interference and shall inform the Commission immediately, in writing, of such event.

While EchoStar 15 is stationed at the nominal 45° W.L. orbital location, EchoStar will operate the satellite in accordance with the following conditions:

1. Operations shall be on a non-harmful interference basis, meaning that EchoStar shall not cause harmful interference to, and shall not claim protection from, harmful 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 the nominal 45° W.L. orbital location, EchoStar shall cease operations immediately upon notification of such interference and shall inform the Commission 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, EchoStar hereby waives any claim to the use of any particular frequency or use

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, EchoStar respectfully requests grant of the 60-day STA beginning on May 8, 2013, so that it can immediately begin the relocation of EchoStar 15 to the nominal 45° W.L. orbital location.

Respectfully submitted,

/s/

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May 2, 2013