

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

I. INTRODUCTION

EchoStar Broadcasting Corporation (“EBC,” and with its affiliates, “EchoStar”) hereby requests 5-day special temporary authority (“STA”) to perform testing for emergency telemetry, tracking, and control (“TT&C”) operations with the New DBSD Satellite Services G.P. (“DBSD”) G-1 satellite (Call Sign S2651) over C-band frequencies using two earth stations (Call Signs E980118 and E020233). Specifically, EchoStar requests STA to conduct its testing using the following frequencies: 6424.5 and 5925.5 MHz (uplink to satellite); and 3701.5 and 4198.5 MHz (downlink from satellite). EchoStar also requests, to the extent required, a temporary waiver of Section 25.202(g) of the Federal Communications Commission’s (“Commission”) rules for the duration of the STA. EchoStar asks that this authorization commence on July 14, 2014 and run through July 18, 2014.

EchoStar has pending modification requests for these two earth stations to permit C-band TT&C operations with the DBSD G-1 satellite under certain circumstances pursuant to its coordination agreement with Intelsat License LLC (“Intelsat”), which is authorized to operate at the nominal 93° W.L. orbital location.¹ The tests undertaken pursuant to the requested STA will enable EchoStar to ensure that these emergency TT&C frequencies remain available should they be needed.² This is the third year that EchoStar has requested STA to perform annual testing of

¹ See Narrative, File Nos. SES-MFS-20120612-00507, Call Sign E980118 (filed June 12, 2012); SES-MFS-20120612-00506, Call Sign E020233 (filed June 12, 2012); *see also New ICO Satellite Services G.P.*, 21 FCC Rcd 14612 ¶ 15 n.43 (IB 2006).

² EchoStar also has earth station modification applications to permit C-band TT&C operations with DBSD G-1 pending at the FCC File No. SES-MFS-20130905-00778, Call Sign E980118 (filed Sept. 5, 2013); and File No. SES-MFS-20130905-00779, Call Sign E020233 (filed Sept. 5, 2013).

these C-band frequencies with DBSD G-1; EchoStar asked for, and received, similar authority in 2012 and 2013 for these same earth stations.

II. THE REQUESTED SPECIAL TEMPORARY AUTHORITY IS IN THE PUBLIC INTEREST

The Commission has a long-standing policy of granting STA where such authorization will serve the public interest, convenience and necessity, and does not cause harmful interference.³ The requested operations meet these tests.

DBSD G-1 is a UK-flagged satellite operating at the 92.85° W.L. orbital location, authorized under a Letter of Intent (“LOI”) to provide Mobile-Satellite Services (“MSS”) using the 2000-2010 and 2190-2200 MHz band, feeder-link transmissions using 18.55-18.8/19.7-20.2 GHz (Earth-to-space) and 29.25-30.0 GHz (space-to-Earth) bands, and primary TT&C transmissions at 29.9955 and 29.9995 GHz (command) and 20.1965 and 20.1985 GHz (telemetry).⁴ On March 2, 2012, the Commission approved the transfer of control over DBSD’s authorizations, including the LOI authorization for the G-1 satellite, to DISH Network Corporation (“DISH”).⁵ EchoStar provides technical and operational support for the G-1 satellite.

The requested STA serves the public interest because it will allow EchoStar to ensure that it will be able to maintain control over DBSD G-1 in the event of an emergency affecting the

³ See, e.g., Columbia Communications Corp., *Order*, 11 FCC Rcd 8639, 8640 (IB 1996); American Telephone & Telegraph Co., *Order*, 8 FCC Rcd 8742 (CCB 1993); Newcomb Communications, Inc., *Order and Authorization*, 8 FCC Rcd 3631, 3633 (CCB 1993).

⁴ See Stamp Grant, File Nos. SAT-MOD-20070919-00129, Call Sign S2651 (Apr. 2, 2008); SAT-AMD-20071129-00166, Call Sign S2651 (Apr. 2, 2008).

⁵ See DBSD North America, Inc., Debtor-in-Possession; New DBSD Satellite Services G.P., Debtor-in-Possession; Pendrell Corporation, Transferor; and TerreStar License Inc., Debtor-in-Possession; Assignor, and DISH Network Corporation, Transferee; and Gamma Acquisition L.L.C.; Assignee, *Order*, 27 FCC Rcd 2250 (IB 2012).

satellite's primary TT&C frequencies, decreasing the chance of loss of service from the G-1 satellite itself and from satellites operating nearby.

Further, grant of this application will not cause harmful interference to any other lawful user of spectrum. The DBSD G-1 satellite's C-band TT&C capabilities allow it to independently select frequencies in 250 kHz increments over 5 MHz bandwidth at the band edges, and can be changed in orbit if required, allowing flexibility to coordinate any temporary use of the C-band frequencies. Moreover, an agreement is in place with Intelsat, which has C-band authorization at the nominal 93° W.L. orbital location, to permit use of the frequencies requested herein when certain circumstances exist,⁶ and the particular testing operations at issue here are being conducted in coordination with Intelsat.

III. THE REQUESTED WAIVER IS IN THE PUBLIC INTEREST

Section 25.202(g) of the Commission's rules requires operators of "U.S. domestic satellites" to conduct their TT&C functions in the same frequency bands in which they are providing service, and using frequencies designed to minimize interference into other satellite networks.⁷ The International Bureau has deferred requests from DBSD to use the C-band for TT&C until DBSD presented the issue "in the context of an earth station application that seeks authority to use C-band" to communicate with the DBSD G-1 satellite—the very subject of this STA and waiver request.⁸

The Commission may waive its rules for good cause shown, particularly where strict compliance with a rule is inconsistent with the public interest when taking "into account

⁶ See *New ICO Satellite Services G.P.*, 21 FCC Rcd 14612 ¶ 15 n.43 (IB 2006).

⁷ 47 C.F.R. § 25.202(g).

⁸ See Stamp Grant, File Nos. SAT-MOD-20070919-00129, Call Sign S2651 (Apr. 2, 2008); SAT-AMD-20071129-00166 ¶ 3, Call Sign S2651 (Apr. 2, 2008).

considerations of hardship, equity, or more effective implementation of overall policy.”⁹ Such a waiver is in the public interest here. EchoStar is requesting authorization to conduct testing of DBSD G-1’s TT&C subsystem over the C-band in order to decrease the chance of loss of service from the G-1 satellite itself and from satellites operating nearby in the unlikely event that DBSD G-1’s primary TT&C capabilities are compromised. Thus, waiving Section 25.202(g) for this testing would decrease the risk of losing service from DBSD.¹⁰

IV. OPERATIONAL PARAMETERS

EchoStar will conduct operations pursuant to the requested STA subject to the following conditions:

- C-band operations shall be on a non-harmful interference basis, meaning that C-band communications with DBSD G-1 shall not cause harmful interference to, and shall not claim protections from interference caused to it by, any other lawfully operating satellites.
- In the event that any harmful interference is caused as a result of C-band TT&C operations with DBSD G-1, EchoStar shall cease all C-band operations with DBSD G-1 immediately upon notification of such interference and will immediately inform the Commission, in writing, of such event.

V. CONCLUSION

EchoStar respectfully requests grant of the requested 5-day STA from July 14, 2014 through July 18, 2014 and a temporary waiver of Section 25.202(g) to perform testing of DBSD G-1’s C-band TT&C subsystem as in the public interest.

⁹ 47 C.F.R. § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

¹⁰ The Commission has allowed out-of-band TT&C where such operations are coordinated with co-frequency spectrum users. *See, e.g., Astrolink Int’l LLC*, 15 FCC Rcd 23738 ¶ 9 (IB 2000).