

E070014 SES-STA-20170717-00768 IB2017001941
EchoStar Operating L.L.C.

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:
Gilbert E070014 STA for TT&C Communications to Move EchoStar 3

1. Applicant

Name: EchoStar Operating L.L.C. Phone Number: 301-428-5893
DBA Name: Fax Number:
Street: 100 Inverness Terrace East E-Mail:
City: Englewood State: CO
Country: USA Zipcode: 80112
Attention: Jennifer Manner

30 days

"With conditions"

File # SES-STA-20170717-00768

Call Sign E070014 Grant Date 07/19/2017
(or other identifier)

From 07/20/2017 To 08/19/2017

Approved: *J. Paul E. Black*



Applicant: EchoStar Broadcasting Corporation
Call Sign: E070014
File No.: SES-STA-20170717-00768

EchoStar Broadcasting Corporation (EchoStar) is granted special temporary authority (STA) for 30 days, beginning July 20, 2017, to operate its Gilbert, AZ earth station with the Echostar 3 (S2741) satellite to provide telemetry, tracking, and control ("TT&C") communications on center frequencies 17.3015 GHz (Earth-to-space) and 12.201, 12.203, 12.699 GHz (space-to-Earth) during EchoStar 3's temporary move to and operations at 86.85° W.L orbital location subject to the following conditions:

1. Grant of this STA is without prejudice to any determination that the Commission may make regarding pending or future EchoStar applications.
2. All operations under this grant of STA shall be on an unprotected and noninterference basis and EchoStar is obliged to comply with the applicable laws, regulations, rules, and licensing procedures of that country.
3. EchoStar will maintain full operational control of EchoStar 3 at all times.
4. EchoStar will maintain EchoStar 3 at 86.85° W.L. with an east-west longitudinal station-keeping tolerance of +/-0.05 degree.
5. In the event of any harmful interference as a result of operations under this grant of STA, EchoStar shall cease operations immediately upon notification of such interference and shall immediately inform the Commission, in writing, of such an event.
6. In connection with the provision of service in any particular country, EchoStar will comply with the applicable laws, regulations, rules, and licensing procedures of that country.
7. Any action taken or expense incurred as a result of operations pursuant to this STA is solely at EchoStar.
8. During drift operations, all transponders other than TT&C transponders will be turned off.

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. *30 days* "with conditions"



30 days "with conditions"
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Approved: Paul E. Blair

2. Contact			
Name:	Jennifer Manner	Phone Number:	301-428-5893
Company:	EchoStar Operating L.L.C.	Fax Number:	
Street:	11717 Exploration Lane	E-Mail:	jennifer.manner@echostar.com
City:	Germentown	State:	MD
Country:	USA	Zipcode:	20876
Attention:		Relationship:	Same
(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?			
<input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).			
<input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee			
<input type="radio"/> Other (please explain):			
4b. Fee Classification CGX – Fixed Satellite Transmit/Receive Earth Station			
5. Type Request			
<input checked="" type="radio"/> Use Prior to Grant <input type="radio"/> Change Station Location <input type="radio"/> Other			
6. Requested Use Prior Date			
07/20/2017			

7. City Gilbert	8. Latitude (dd mm ss.s h) 33 22 0.8 N
9. State AZ	10. Longitude (dd mm ss.s h) 111 48 54.7 W
11. Please supply any need attachments. Attachment 1: Exhibit 1 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-top: 10px;">Seeking 30-day STA, commencing on July 20, 2017, to operate certain earth stations for TT&C communications to move EchoStar 3. See Exhibit 1.</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. <p style="text-align: right;">Yes <input checked="" type="radio"/> No <input type="radio"/></p>	
14. Name of Person Signing Jennifer A. Manner	15. Title of Person Signing Senior Vice President, Regulatory Affairs
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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EXHIBIT 1

DESCRIPTION OF PROPOSED SPECIAL TEMPORARY OPERATIONS (Response to Earth Station STA Form, Question 8)

Pursuant to 47 C.F.R. § 25.120(b), EchoStar Operating L.L.C. (together with its affiliates, “EchoStar”) requests 30-day special temporary authority (“STA”), commencing on July 20, 2017, to operate two additional earth stations in Cheyenne, Wyoming (Call Sign E980005) and Gilbert, Arizona (Call Sign E070014) for telemetry, tracking, and control (“TT&C”) communications on the following frequencies during EchoStar 3’s temporary move and operations at 86.85° W.L.:¹

EchoStar 3 Uplink Frequencies	EchoStar 3 Downlink Frequencies
TC1: 17.3015 GHz	TM1: 12.201 GHz TM2: 12.203 GHz TM3: 12.699 GHz

Under STA (and subject to STA renewal), EchoStar 3 will operate at 86.85° W.L. for a brief period of approximately three to four months, in accordance with the United Kingdom’s filings with the International Telecommunication Union (“ITU”) for the USAT-S3 MOD-C and USAT-S3 MOD-D networks. Following such temporary operations, EchoStar will commence maneuvers to deorbit the satellite.

¹ EchoStar currently holds STAs to (i) move and operate the EchoStar 3 satellite (Call Sign S2741) at 86.85° W.L. for a brief period; and (ii) operate three earth stations in Blackhawk, South Dakota (Call Signs E020248 and E150098) and Gilbert, Arizona (Call Sign E010242) for TT&C communications during EchoStar 3’s temporary move and operations. *See* IBFS File No. SAT-STA-20170626-00098 (granted June 29, 2017); IBFS File Nos. SES-STA-20170626-00686 *et al.* (granted June 30, 2017).

I. BACKGROUND

Launched in 1998, the EchoStar 3 satellite is capable of operating in the 17.3-17.8 GHz BSS feeder uplink (ITU Appendix 30A) and the 12.2-12.7 GHz BSS downlink (ITU Appendix 30) bands. Until just a few years ago, EchoStar 3 provided capacity for service (via DISH Network Corporation) to millions of satellite television subscribers. The satellite currently operates as an in-orbit spare at 61.8° W.L. under STA.²

In 2008, the Commission extended EchoStar 3's license term for an additional 10 years.³ EchoStar has placed EchoStar 3 in an inclined orbit in the north-south direction to extend the useful life beyond its current license period, set to expire in 2018.⁴

To accommodate the needs of its customer and development partner, SES Satellites (Gibraltar) Ltd. ("SES"), EchoStar seeks to move and operate EchoStar 3 at 86.85° W.L. on an STA basis for a brief period of approximately three to four months. SES currently operates NIMIQ-1, a Canadian-licensed Ku-band BSS satellite, on a regular basis at 86.5° W.L. in accordance with the United Kingdom's ITU filings for the USAT-S3 MOD-C and USAT-S3 MOD-D networks, but seeks to operate the satellite on a temporary basis, requiring it to obtain capacity from another satellite to replace that currently offered by NIMIQ-1. Consequently, EchoStar has agreed, subject to obtaining FCC and other required regulatory approvals, to move and operate EchoStar 3 at 86.85° W.L. for a brief period of a few months to provide capacity currently offered by NIMIQ-1.

² See EchoStar, Stamp Grant, IBFS File No. SAT-STA-20161207-00126 (Jan. 26, 2017); *see also* EchoStar, Stamp Grant, IBFS File No. SAT-STA-20140106-00003 (Jan. 26, 2014).

³ See EchoStar, Stamp Grant, IBFS File No. SAT-MOD-20071212-00173 (April 3, 2008).

⁴ See Letter from Jennifer A. Manner, EchoStar, to Marlene H. Dortch, Secretary, FCC, IBFS File Nos. SAT-MOD-20120301-00033 *et al.* (July 16, 2014) (noting commencement of EchoStar 3's inclined orbit operations).

Upon completion of NIMIQ-1's temporary operations, EchoStar 3 will no longer be required to provide replacement capacity for existing NIMIQ-1 services, and EchoStar intends to seek additional STA authority, to the extent required, to deorbit EchoStar 3.

II. THE PROPOSED STA OPERATIONS WILL SERVE THE PUBLIC INTEREST

The proposed STA operations at 86.85° W.L. will offer substantial public interest benefits. As an initial matter, the Commission has a longstanding policy of leaving fleet management decisions to satellite operators because doing so generally serves the public interest. Specifically, the Commission has determined that the satellite licensee "is in a better position to determine how to tailor its system to meet the particular needs of its customers."⁵ Thus, the Commission "will generally grant a [satellite] licensee's request to modify its system, provided there are no compelling countervailing public interest considerations."⁶ Consequently, the proposed STA operations at 86.85° W.L. will serve the public interest by allowing EchoStar the flexibility to determine how best to meet the needs of its customers.⁷ At the same time, as noted in Section III below, EchoStar 3 will operate under the requested STA on an unprotected, non-harmful interference basis, thus ensuring no harmful interference to other authorized services.

⁵ *AMSC Subsidiary Corporation*, 13 FCC Rcd 12316, ¶ 8 (IB 1998).

⁶ *Id.*; see also *SES Americom, Inc.*, 21 FCC Rcd. 3430, 3433 ¶ 8 (2006) (FCC "generally has allowed satellite operators to rearrange satellites in their fleet to reflect business and customer considerations where no public interest factors are adversely affected").

⁷ See *supra* nn.6 and 7; see also *EchoStar STA Order* ¶ 8 ("assessment of the motivation of [satellite] operators ... does not provide an appropriate basis for determining whether an STA would serve the public interest"); *SES Americom* ¶ 12 n.39 (FCC consideration of "incidental effect" resulting from STA operations is "irrelevant to our public interest determination").

III. OPERATIONAL PARAMETERS

EchoStar 3's STA operations at 86.85° W.L. will be subject to the conditions typically imposed on U.S.-licensed satellites operating under STA in accordance with non-U.S. ITU filings. These conditions include the following:

1. All authorized operations will be on an unprotected and non-harmful interference basis (*i.e.*, EchoStar 3 will not cause harmful interference to, and will not claim protection from interference caused to it by, any other lawfully operating station). In the event of any harmful interference, EchoStar will cease operations immediately upon notification of such interference and will immediately inform the Commission in writing of such an event.
2. EchoStar will maintain full operational control of EchoStar 3 at all times.
3. EchoStar will maintain EchoStar 3 at 86.85° W.L. with an east-west longitudinal station-keeping tolerance of +/-0.05 degree.
4. In connection with the provision of service in any particular country, EchoStar will comply with the applicable laws, regulations, rules, and licensing procedures of that country.
5. During drift operations, all transponders other than TT&C transponders will be turned off.