

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:  
Summerset (E150098) STA to Move EchoStar 12 to 86.4

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

File # SES-STA-E150098-0811-00906  
E150098 Call Sign Grant Date 8-17-17  
(or other identifier)  
Term Dates  
From: 8-17-17 To: 10-26-17  
Approved: Paul E. Manner



Applicant: EchoStar Operating L.L.C.  
Call Sign: E150098  
File No.: SES-STA-20170811-00906

EchoStar Operating L.L.C. (together with their affiliates, "EchoStar") is granted Special Temporary Authority, for 60 days, beginning August 21, 2017 to use its Summerset, SD fixed earth station to move and operate EchoStar 12 (S2653) satellite at 86.4° W.L. orbital location for TT&C in the 17.304 GHz (Earth-to-space) and 12.205 GHz, 12.697 GHz, and 12.205 GHz (space-to-Earth) frequency bands under the following conditions contingent upon grant of SAT-STA-20170816-00118:

1. All authorized operations will be on an unprotected and non-harmful interference basis. EchoStar shall not cause harmful interference to, or claim protection from other lawfully operating stations and it shall cease transmission(s) immediately upon notice of such interference.
2. EchoStar will maintain full operational control of EchoStar 12 at all times.
3. EchoStar will maintain EchoStar 12 satellite at 86.4° W.L. orbital location with an east-west longitudinal station-keeping tolerance of +/-0.05 degree.
4. During drift operation, all transponders other than TT&C transponders will be turned off.
5. Any action taken or expense incurred as a result of operations pursuant to this STA is solely at EchoStar's risk.
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. Grant of this authorization is without prejudice to any determination that the Commission may make regarding pending or future EchoStar applications.
8. Should an emergency situation exist and the applicant must notify FCC OperationCenter@fcc.gov of the situation with a copy to paul.blais@fcc.gov.

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 # SES-STA-20170811-00906  
Call Sign E150098 Grant Date 8-17-17  
(or other identifier)  
Term Dates  
From: 8-21-17 To: 10-20-17  
Approved: Paul E. Blais

<b>2. Contact</b>	
<b>Name:</b> Jennifer Manner	<b>Phone Number:</b> 301-428-5893
<b>Company:</b> EchoStar Operating L.L.C.	<b>Fax Number:</b>
<b>Street:</b> 11717 Exploration Lane	<b>E-Mail:</b> jennifer.manner@echostar.ccom
<b>City:</b> Germantown	<b>State:</b> MD
<b>Country:</b> USA	<b>Zipcode:</b> 20876
<b>Attention:</b>	<b>Relationship:</b> 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	
08/21/2017	

7. CitySummerset	8. Latitude (dd mm ss.s h) 44 11 14.4 N
9. State SD	10. Longitude (dd mm ss.s h) 103 20 9.6 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;">Seeking STA to move and operate EchoStar 12 at 86.4 WL, as well as operate certain earth stations for TT&amp;C communications. 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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**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.**

**EXHIBIT 1**

**DESCRIPTION OF PROPOSED SPECIAL TEMPORARY OPERATIONS  
(Response to Space Station/Earth Station STA Forms, Question 8 or 12)**

Pursuant to 47 C.F.R. § 25.120(b), EchoStar Satellite Operating Corporation and EchoStar Operating L.L.C. (together with their affiliates, “EchoStar”) request 60-day special temporary authority (“STA”), commencing on or approximately August 21, 2017, to (i) move and operate the EchoStar 12 satellite (Call Sign S2653) at 86.4° W.L. for a brief period; and (ii) operate five earth stations in Blackhawk, South Dakota (Call Signs E020248 and E150098), Quicksburg, Virginia (Call Sign E070273), Gilbert, Arizona (Call Sign E070014), and Cheyenne, Wyoming (Call Sign E980005) for telemetry, tracking, and control (“TT&C”) communications on the following frequencies during EchoStar 12’s temporary move and operations at 86.4° W.L.:<sup>1</sup>

<b>EchoStar 12 Uplink Frequencies</b>	<b>EchoStar 12 Downlink Frequencies</b>
TC1: 17.304 GHz	TM1: 12.205 GHz TM2: 12.697 GHz TM3: 12.205 GHz

Under the requested STA (and subject to STA renewal), EchoStar 12 will operate at 86.4° 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. The Schedule S and Technical Annex filed with the

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<sup>1</sup> EchoStar currently has pending modification applications to move and operate EchoStar 12 at 86.4° W.L., as well as to operate associated earth stations for TT&C communications (the “Modification Applications”). See IBFS File Nos. SAT-MOD-20170626-00099, SES-MFS-20170626-00678 & SES-MFS-20170626-00677 (June 26, 2017); SES-MOD-20170804-00867 & SES-MOD-20170804-00869 (Aug. 4, 2017).

Modification Applications contain certain technical and orbital debris mitigation information regarding EchoStar 12's proposed operations at 86.4° W.L.

## **I. BACKGROUND**

Launched in July 2003, the EchoStar 12 satellite is capable of operating in the 17.3-17.8 GHz broadcast-satellite service ("BSS") feeder uplink (ITU Appendix 30A) and 12.2-12.7 GHz BSS downlink (ITU Appendix 30) bands. In 2014, the Commission extended EchoStar 12's license term for an additional 9 years until July 31, 2022. For the past several years, EchoStar 12 has been operating as an in-orbit spare at the 61.5° W.L. orbital cluster, providing backup capacity for service (via DISH Network Corporation) to millions of satellite television subscribers.

EchoStar 12 currently operates as an in-orbit spare at 61.2° W.L. on a regular basis, pursuant to notification under 47 C.F.R. § 25.118(e). The satellite is capable of safe transition to, and operation from, the 86.4° W.L. orbital location.

To accommodate the needs of its customer and development partner, SES Satellites (Gibraltar) Ltd. ("SES"), EchoStar seeks to move and operate EchoStar 12 at 86.4° 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 12 at 86.4° W.L. to provide capacity currently offered by NIMIQ-1 for a brief period of a few months.

Upon completion of NIMIQ-1's temporary operations, EchoStar 12 will no longer be required to provide replacement capacity for existing NIMIQ-1 services, and consequently will operate at 86.4° W.L. on a regular basis, subject to Commission approval.<sup>2</sup>

## II. THE PROPOSED STA OPERATIONS WILL SERVE THE PUBLIC INTEREST

The proposed STA operations at 86.4° 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."<sup>3</sup> Thus, the Commission "will generally grant a [satellite] licensee's request to modify its system, provided there are no compelling countervailing public interest considerations."<sup>4</sup> Consequently, the proposed STA operations at 86.4° W.L. will serve the public interest by allowing EchoStar the flexibility to determine how best to meet the needs of its customers.<sup>5</sup> At the same time, as noted in Section III below, EchoStar 12 will operate under the requested STA on an unprotected, non-harmful interference basis, thus ensuring no harmful interference to other authorized services.

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<sup>2</sup> See *supra* n.1.

<sup>3</sup> *AMSC Subsidiary Corporation*, 13 FCC Rcd 12316, ¶ 8 (IB 1998).

<sup>4</sup> *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").

<sup>5</sup> 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 12's STA operations at 86.4° 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 12 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 12 at all times.
3. EchoStar will maintain EchoStar 12 at 86.4° 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.