



File # SAT-LOA-20040803-00154
With attached Conditions

Call Sign S2636 Grant Date October 8, 2004
(or other identifier)

Approved by OMB
3060-0678

From see conditions To see conditions

Approved: *Robert C. Wilson* Chief Satellite Engineering Branch

Date & Time Filed: Aug 3 2004 8:15:50:683PM
File Number: SAT-LOA-20040803-00154
Callsign/Satellite ID: S2636

APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Application for Authority to Launch and Operate a Geostationary Satellite Using Ka-band Frequencies at 113 degrees W.L. (2)

1-8. Legal Name of Applicant			
Name:	EchoStar Satellite L.L.C.	Phone Number:	303-723-1000
DBA Name:		Fax Number:	303-723-1699
Street:	9601 South Meridian Blvd.	E-Mail:	
City:	Englewood	State:	CO
Country:	USA	Zipcode:	80112 -
Attention:	David K Moskowitz		

EchoStar Satellite L.L.C.
File No. SAT-LOA-20040803-00154
Attachment
Conditions of Authorization
10/8/2004

1. EchoStar Satellite L.L.C.'s (Echostar's) application, File No. SAT-LOA-20040803-00154, IS GRANTED. Accordingly EchoStar is authorized to launch and operate its EchoStar-113W satellite, Call Sign S2636, at 113° W.L., in the 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz, and 29.25-30.0 GHz frequency bands, in accordance with the terms, conditions, and technical specifications set forth in its application, this Attachment, and the Federal Communications Commission's Rules.
2. EchoStar-113W must be constructed, launched, and placed into operation in accordance with the technical parameters and terms and conditions of this authorization by these specified time periods following the date of authorization:
 - a. Execute a binding contract for construction by 10/8/2005
 - b. Complete the Critical Design Review by 10/8/2006
 - c. Commence construction by 10/8/2007
 - d. Launch and begin operations by 10/8/2009
 - e. EchoStar must file a bond with the Commission in the amount of \$3 million, pursuant to the procedures set forth in Public Notice, DA 03-2602, 18 FCC Rcd 16283 (2003), as revised by Amendment of the Commission's Space Station Licensing Rules and Policies, *First Order on Reconsideration and Fifth Report and Order*, FCC 04-147 (July 7, 2004), within 30 days of the date of this grant..

Failure to meet any of these dates shall render this authorization null and void.

3. EchoStar shall prepare the necessary information, as may be required, for submission to the International Telecommunication Union (ITU) to initiate and complete the advance publication, international coordination, due diligence, and notification process of this space station, in accordance with the ITU Radio Regulations. EchoStar shall be held responsible for all cost recovery fees associated with these ITU filings. We also note that no protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination and notification procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments of other administrations. See 47 C.F.R. § 25.111(b).
4. The license term for the EchoStar-113W satellite, Call Sign S2636, is fifteen years and will begin to run on the date that EchoStar certifies to the Commission that the satellite has been successfully placed into orbit and its operation fully conforms to the terms and conditions of this authorization.
5. EchoStar must coordinate its downlink operations in the 18.3-18.8 GHz and 19.7-20.2 GHz frequency bands with U.S. Government systems, including Government operations to earth stations in foreign countries, in accordance with footnote US334 to the Table of Frequency Allocations, 47 C.F.R. § 2.106.

6. EchoStar must conduct its operations pursuant to this authorization in a manner consistent with the power flux-density requirements of footnote US255 to the Table of Frequency Allocations, 47 C.F.R. § 2.106, and 47 C.F.R. § 25.208, of the Commission's Rules.
7. EchoStar shall provide a written statement to the Commission, within 60 days of the date of this grant, identifying any known satellites located at, or planned to be located at, EchoStar's assigned orbital location, or assigned in the vicinity of that location such that the station-keeping volume of the respective satellites might overlap, and stating the measures that will be taken to prevent in-orbit collisions with such satellites. This statement should address any licensed FCC systems, or any systems applied for and under consideration by the FCC. The statement need not address every filing with the ITU that meets these criteria, but should assess and address any systems reflected in ITU filings that are in operation or that EchoStar believes may be progressing toward launch, *e.g.*, by the appearance of the system on a launch vehicle manifest. If EchoStar elects to rely on coordination with other operators to prevent in-orbit collisions, it shall provide a statement as to the manner in which such coordination will be effected.
8. This grant does not in any way constitute an approval of EchoStar's post-mission disposal plan for EchoStar-113W.
9. EchoStar's request for a waiver to allow submission of its application without certain information relating to the exact frequencies for tracking, telemetry and command (TT&C) and satellite spacecraft design IS GRANTED. EchoStar's application, paragraph A.19, states that the TT&C frequencies for EchoStar-113W will be "within the Ka bands" and that it will provide its final TT&C frequencies for the EchoStar-113W satellite to the Commission shortly after it has selected a manufacturer for the satellite.¹ Thus, EchoStar will be able to provide precise TT&C frequencies to the Commission by the time it has executed a binding contract for construction. Accordingly, EchoStar is directed to submit to the Commission a modification to this authorization, specifying the exact frequencies for TT&C functions for EchoStar-113W, on, or prior to, the date of its first construction milestone, *i.e.*, 10/8/2005. In addition, we remind EchoStar that, consistent with 47 C.F.R. § 25.202(g), the frequencies selected for TT&C functions must be at either or both edges of the allocated bands. Grant of this waiver is consistent with previous Commission actions.²
10. EchoStar is afforded thirty days from the date of adoption of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.
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 adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.

¹ EchoStar Satellite LLC, Application for Authority to Launch and Operate a Geostationary Satellite using Ka-band Frequencies at 113 W.L. Degrees, File No. SAT-LOA-20040803-00154, at paragraph A.19.

² Echostar Satellite LLC, Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 109 W.L. Orbital Location, File No: SAT-LOA-20031211-00350, Call Sign: S2607, *Order and Authorization*, DA 04-3163, ¶ 18 (rel. September 30, 2004).

9-16. Name of Contact Representative (If other than applicant)

Name:	Pantelis Michalopoulos	Phone Number:	202-429-3000
Company:	Steptoe & Johnson LLP	Fax Number:	202-429-3902
Street:	1330 Connecticut Avenue NW	E-Mail:	pmichalo@steptoe.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036 -
Contact Title:		Relationship:	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the buttonnext to the classification that applies to thisfiling for both questions a. and b. Choose only one for 17a and only one for 17b.

- a.
(N/A) a1. Earth Station
 a2. Space Station

- b.
 b1. Application for License of New Station
(N/A) b2. Application for Registration of New Domestic Receive-Only Station
(N/A) b3. Amendment to a Pending Application
(N/A) b4. Modification of License or Registration
(N/A) b5. Assignment of License or Registration
(N/A) b6. Transfer of Control of License or Registration
(N/A) b7. Notification of Minor Modification
(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite

 b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
 b10. Replacement Satellite Application - no new frequency bands
 b11. Replacement Satellite Application - new frequency bands (Not eligible for streamlined processing)
 b12. Petition for Declaratory Ruling to be Added to the Permitted List
(N/A) b13. Other (Please specify)

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:	
<input checked="" type="checkbox"/> a. Fixed Satellite <input type="checkbox"/> b. Mobile Satellite <input type="checkbox"/> c. Radiodetermination Satellite <input type="checkbox"/> d. Earth Exploration Satellite <input checked="" type="checkbox"/> e. Direct to Home Fixed Satellite <input type="checkbox"/> f. Digital Audio Radio Service <input type="checkbox"/> g. Other (please specify)	
21. STATUS: Choose the button next to the applicable status. Choose only one. <input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier	22. If earth station applicant, check all that apply. Not Applicable
23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities: <input type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A	
24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s). <input type="checkbox"/> a. C-Band (4/6 GHz) <input type="checkbox"/> b. Ku-Band (12/14 GHz) <input checked="" type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.) Frequency Lower: 18300 Frequency Upper: 30000 (Please specify additional frequencies in an attachment)	

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- (N/A) a. Fixed Earth Station
- (N/A) b. Temporary-Fixed Earth Station
- (N/A) c. 12/14 GHz VSAT Network
- (N/A) d. Mobile Earth Station
- e. Geostationary Space Station.
- f. Non-Geostationary Space Station
- g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY: Not Applicable

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.) Not Applicable

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. §§ 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments. Yes No

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?

Yes No N/A

30. Is the applicant an alien or the representative of an alien?

Yes No N/A

31. Is the applicant a corporation organized under the laws of any foreign government?

Yes No N/A

32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes No N/A

33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes No N/A

34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules?
If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

Yes No

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

Q36

37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances

Yes No

39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.

Yes No

40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer. Q40

41. 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. Yes No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43. Yes No

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

See attached narrative

ApplicationNarrative

CERTIFICATION

The Applicant 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, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing
David K. Moskowitz

46. Title of Person Signing
Executive Vice President & General Counsel

47. Please supply any need attachments.

1: Technical Annex

2:

3:

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).

Completed Schedule S

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