



PUBLIC NOTICE

Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA-08-2821

Before the
Federal Communications Commission
Washington, D.C. 20554

PUBLIC NOTICE

Released: December 31, 2008

FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

- EchoStar Corporation** - Request for waiver of application fees **Granted** (October 23, 2008) [See 47 U.S.C. §158(d)(2)]
- Joy Christian Communications, Inc. Station WRSN (AM)** - Request for waiver of FY 2004 regulatory fee late payment penalty **Dismissed** (October 23, 2008) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2004, Report and Order, 19 FCC Rcd 11662, 11681, para. 68(a) (2004)]

Mediatrix SC, Inc Station WHHQ (AM) - Request for waiver of FY 2007 regulatory fee. **Granted** (October 23, 2008) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995) (Reconsideration Order)]

On Top Communication of Georgia, LLC Stations WFFM (FM), WLE401, WRXZ (FM), KPM406 and WMF735 - Request for waiver and deferment of FY 2006 regulatory fees. **Granted** (October 23, 2008) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995)]

On Top Communication of Louisiana, LLC Stations KNOU (FM), WPSS604 and WPS609 - Request for waiver and deferment of FY 2006 regulatory fees. **Granted** (October 23, 2008) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995)]

On Top Communication of Mississippi, LLC Stations WWHV (FM) and WME694 - Request for waiver and deferment of FY 2006 regulatory fees. **Granted** (October 23, 2008) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995)]

On Top Communication of Virginia, LLC Station WWHV (FM) - Request for waiver and deferment of FY 2006 regulatory fees. **Granted** (October 23, 2008) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995)]

Sarah M. Fryar Station WJOC (AM) - Request for waiver of FYs 2003, 2004, 2005, 2006 and 2007 regulatory fees. **Denied** (November 5, 2008) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)]

TEA-VISZ of Park Falls, Wisconsin Station W272AY - Request for waiver of FYs 2005, 2006 and 2007 regulatory fees. **Granted** (November 5, 2008) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)].

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
OCT 23 2008

FILE

OFFICE OF
MANAGING DIRECTOR

Pantelis Michalopoulos, Esq.
Petra A. Vorwig, Esq.
Steptoe & Johnson LLP
1330 Connecticut Ave., N.W.
Washington, DC 20036-1795

Re: EchoStar Corporation
Petition for Waiver of Application Fees
Fee Control Number RROG-07-000010514 ✓

Dear Counsel:

This is in response to your request for waiver of application fees filed July 25, 2008 (*Request*), submitted on behalf of EchoStar Corporation (EchoStar) in connection with an application to modify its existing blanket earth station license to operate one million receive-only earth stations in the United States to receive Direct Broadcast Satellite (DBS) programming from the EchoStar 8 satellite, operating as a Mexican satellite.¹ You request that the Commission find that no fee is required, *i.e.*, waive these fees, or find that the Very Small Aperture Terminal (VSAT) modification application fee of \$170.00 is "appropriate."² Our records reflect that EchoStar paid a \$170.00 filing fee with the *Application*. As discussed herein, we grant your request and accept the proffered fee payment.

You recite that EchoStar requests consent to modify its authorization for one million technically identical receive-only earth station antennas "to expand its provision of multichannel video services to consumers in the United States."³ You state that in the absence of any provision under the Commission's rules specifying a charge for this type of application in the DBS service, the application could be subject either to the \$170.00 application fee to modify a license for a fixed satellite VSAT system⁴ or to the \$170.00 per station application fee to modify a license for receive-only earth stations, for a total fee of \$170,000,000.00.⁵ Citing *Streamlining the Commission's Rules and Regulations*

¹ *Request* at 1 (citing File No. SES-MFS-20080724 _____ (filed July 24, 2008) (*Application*)).

² *Id.* at 2.

³ *Id.*

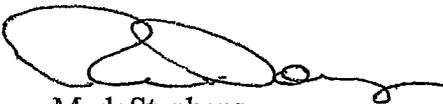
⁴ *Id.* (citing *International and Satellite Services Fee Filing Guide* at 13 (effective Feb. 14, 2008) (*Fee Filing Guide*)); see also 47 C.F.R. §1.1107(6.b.).

⁵ *Id.* (citing *Fee Filing Guide* at 12); see also 47 C.F.R. §1.1107(5.b.).

found that, based on the circumstances of EchoStar's application, EchoStar's plan comports with the Commission's expressed intent in the *DISCO II* decision.¹² OMD explained that, as in that situation, "Commission staff will expend fewer resources and will be able to more efficiently process EchoStar's application because the multiple earth stations are technically identical."¹³ OMD therefore found "that the public interest is served in permitting a blanket application and waiving the fees that would have been required to accompany one million separate license requests."¹⁴ For the same reasons supporting OMD's decision to grant EchoStar a waiver of the application fees in the *EchoStar Letter Decision*, we find that the public interest is served in waiving the fees that would have been required to accompany one million separate applications to modify the earth stations at issue here.

Your request is granted to the extent stated herein and the Commission accepts your check of \$170.00. If you have any questions concerning this letter, please call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

¹² See *id.* (citing *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, Report and Order*, 12 FCC Rcd 24094, ¶¶ 201-204 (1997) (*DISCO II*)).

¹³ See *EchoStar Letter Decision* at 2-3.

¹⁴ See *id.* In reaching its decision, OMD cited Letter from Mark A. Reger, CFO, OMD, FCC, to Gary M. Epstein, Esq., *et al.* (dated June 15, 2004) and Letter from Mark Reger, CFO, OMD, FCC, to Patricia J. Paoletta, Esq., Todd M. Stansbury, Esq., and Jennifer D. Hindin, Esq. (dated June 24, 2002).

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED - FCC

JUL 25 2008

Federal Communications Commission
Bureau / Office

RR06-08-00010510

In the Matter of)

ECHOSTAR CORPORATION)

Petition for Waiver of)
Application Fees Pursuant to)
Section 1.1117 of the Commission's Rules)

To: Office of the Managing Director

PETITION FOR WAIVER OF APPLICATION FEES

EchoStar Corporation ("EchoStar") respectfully requests that, pursuant to Sections 1.3 and 1.1117 of the Commission's Rules,¹ and the Communications Act of 1934, as amended (the "Act"),² the Commission waive to the extent necessary certain application fees associated with its concurrently filed application to modify its existing blanket earth station license to operate 1,000,000 receive-only earth stations in the United States to receive Direct Broadcast Satellite ("DBS") programming from the EchoStar 8 satellite, operating as a Mexican satellite at 77° W.L.³ The Commission's Rules and the Act specifically provide that such fees may be waived where good cause is shown and the public interest would be served.⁴ As demonstrated below, good cause exists for, and the public interest would be served by, waiver of fees in this case

¹ 47 C.F.R. §§ 1.3 and 1.1117.

² 47 U.S.C. § 158(d)(2).

³ See File No. SES-MFS-20080724 _____ (filed July 24, 2008) ("Application"). For convenience, this petition is being attached as an Attachment to this application.

⁴ 47 C.F.R. § 1.1117; 47 U.S.C. § 158(d)(2).

because the modification application fee that may otherwise be payable would not be commensurate with the Commission's actual costs of processing EchoStar's Application and would represent a regulatory barrier to EchoStar's proposed provision of service. If the Commission determines that a fee is required, EchoStar requests that the Commission find that the "VSAT" modification application fee is appropriate. EchoStar has already paid the \$170 fee for such applications, to which the instant request to modify EchoStar's existing license is similar.

I. BACKGROUND

EchoStar is requesting a modification of its authorization for 1,000,000 receive-only earth station antennas in order to expand its provision of multichannel video services to consumers in the United States. The Commission's Rules do not designate any specific charges for the type of application being filed in the DBS service. The following schedule of charges for applications for the types of services which could be applied to EchoStar's Application include:

- Modification of License Application for a Fixed Satellite Very Small Aperture Terminal (VSAT) System = \$170.00 per system⁵
- Modification of License for Receive-Only Earth Stations = \$170.00 per station⁶

EchoStar's proposed network of DBS earth stations is most like a VSAT system; therefore, it should be subject to at most the \$170.00 application fee for the modification application for a VSAT system.

⁵ See *International and Satellite Services Fee Filing Guide* at 13 (effective Feb. 14, 2008) ("*Fee Filing Guide*").

⁶ *Fee Filing Guide* at 12.

EchoStar's proposed system architecture consists of as many as 1,000,000 technically identical earth stations operating in the DBS portion of the Ku-band. This architecture is consistent with the FCC's definition of VSAT networks which are networks of technically identical small antennas that generally communicate with a larger hub station and operate in the 12/14 GHz frequency bands.⁷ Because EchoStar believes that its system is most like a VSAT network, it has paid the \$170.00 application fee. However, if the Commission determines that the \$170.00 per-station fee for receive-only earth stations applies to each of EchoStar's 1,000,000 consumer units, EchoStar seeks a waiver of that \$170 million application fee.

II. GOOD CAUSE EXISTS FOR, AND THE PUBLIC INTEREST WOULD BE SERVED BY, WAIVER OF THE RECEIVE-ONLY EARTH STATION APPLICATION FEE

The Commission has the authority to waive application fees where -- such as here -- good cause is shown and the public interest would be served.⁸ As demonstrated below, a fee of up to \$170 million would be prohibitively high for EchoStar, would deny competitive service offerings to the public, and would not be commensurate with FCC processing resources.

A. FCC Application Fees are Intended to Recover the Costs of Standard Application Processing

The Commission's schedule of application fees is intended to reimburse the government for the work involved in providing certain regulatory services associated with processing applications. In setting the fees, the Commission has noted that "the charges represent a rough approximation of the Commission's actual cost of providing the regulatory actions listed" and

⁷ See *Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures*, Order, 11 FCC Rcd. 21581, 21592 (1996).

⁸ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *aff'd*, 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972).

that "the very core of this effort is to reimburse the government -- and the general public -- for the regulatory services provided to certain members of the public."⁹ However, in certain instances, the Commission's schedule of filing fees may not reasonably approximate the costs involved in handling a particular application or may not otherwise serve the public interest. For this reason, the Commission's Rules and the Act allow for parties to seek a waiver of the application fees.¹⁰

A filing fee waiver is warranted here because many of the processing activities required to modify individual earth station licenses -- the costs of which the receive-only earth station application fees are designed to recover -- are simply not required in reviewing EchoStar's Application to modify its blanket earth station license to add EchoStar 8 as an additional point of communication. The Commission has previously accepted the VSAT application fees for similar networks and applications.¹¹ Indeed, when EchoStar originally applied for the blanket earth station license, for which a modification is now being filed, the Commission ruled that the VSAT

⁹ *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, Report and Order, 2 FCC Rcd 947, 948 (1987).

¹⁰ *See supra* note 4.

¹¹ *See, e.g., Application of EchoStar Satellite Operating Corporation for Pro Forma Assignment of Blanket Earth Station License*, File No. SES-ASG-20071108-01575, (granted Nov. 19, 2007) (fee waiver granted in a letter from Mark Stephens, CFO, FCC, to Pantelis Michalopoulos and Petra A. Vorwig, Counsel for EchoStar, dated Apr. 4, 2008); *Application of DIRECTV Enterprises, LLC*, DA 04-2526 (rel. Aug. 13, 2004) (approving application in which applicant paid VSAT application fee for 1,000,000 receive-only terminals to be used for DBS service from a Canadian satellite).

initial application fee was payable.¹² Consistent with that ruling, the VSAT modification fee of \$170 per system should apply to the instant modification request as well.

B. The Public Interest Would Be Served by Granting the Requested Fee Waiver

In addition to being supported by the requisite good cause, granting EchoStar's request for a waiver of application fees for its Application is also consistent with the public interest. As described in detail in the Application, grant of the authority requested by EchoStar to provide DBS services in the United States using the EchoStar 8 satellite at 77° W.L. will further a number of compelling public interest objectives.

EchoStar should not be required to pay a \$170.00 fee for each of its 1,000,000 earth stations merely because it is providing service from a non-U.S. satellite when an operator providing an identical service using a U.S.-licensed satellite would not need to apply for licenses for each of its consumer dishes.¹³ The result would be overtly discriminatory treatment among DBS and Direct-to-Home ("DTH") providers serving the United States. Moreover, in its recent *Space Station Licensing Order*, the Commission concluded that there is no need for a satellite operator to seek separate authorization for routinely-licensed receive-only earth station antennas -- or to pay a separate fee -- if the Commission has concluded that the public interest is served by

¹² See Letter from Mark A. Reger, CFO, FCC to Pantelis Michalopoulos, Counsel for EchoStar, dated May 9, 2007.

¹³ Except for the fact that EchoStar will be using a Mexican orbital location, EchoStar would not have to file an application for these earth stations. See 47 C.F.R. § 25.131(j); see also *In the Matter of Telesat Canada Petition for Declaratory Ruling for Inclusion of ANIK F1 on the Permitted Space Station List*, Order, 16 FCC Rcd 16365, 16369 (2001) (holding that "receive-only earth stations receiving transmissions from any non-U.S. licensed satellite, regardless of whether the satellites is on the Permitted List, must be licensed").

that provider's satellite being added to the Permitted Space Station List, including providers authorized to provide DTH services.¹⁴

III. CONCLUSION

Under current Commission fee guidelines, EchoStar could potentially be required to pay a fee of \$170.00 to modify each of its 1,000,000 receive-only earth stations. That would amount to a total fee of up to \$170 million. Clearly, the imposition of such a high fee was not what Congress or the Commission intended when the fee guidelines were adopted. Such an astronomical application fee would be a barrier to any operator that desires to offer an innovative, competitive service to the public, as proposed by EchoStar.

The financial hardship that a \$170 million filing fee would impose on EchoStar, or indeed any other entity, would clearly preclude an application from being filed at all. Filing fees should reimburse the government for the costs of processing applications, not act as a regulatory barrier to entry for competitive services. For all of the aforementioned reasons, EchoStar respectfully requests that the Commission grant the requested fee waiver to the extent necessary in conjunction with its Application to provide DBS service from EchoStar 8 at the 77° W.L. orbital location.

¹⁴ See *Amendment of the Commission's Space Station Licensing Rules and Policies*, Second Report and Order in IB Docket No. 02-34, Second Report and Order in IB Docket No. 00-248, and Declaratory Order in IB Docket No. 96-111, 18 FCC Rcd 12507, 12516-17 (2003).

Respectfully submitted,

/s/

Pantelis Michalopoulos

Petra A. Vorwig

Steptoe & Johnson LLP

1330 Connecticut Avenue, N.W.

Washington, D.C. 20036-1795

(202) 429-3000

Counsel for EchoStar Corporation

Dated: July 24, 2008

cc: Anthony Dale, Managing Director, Office of the Managing Director (via hand delivery)

Approved by OMB
3060-0678

Date & Time Filed: Jul 24 2008 5:17:53:376PM
File Number: SES-MFS-20080724-00977

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM	FCC Use Only
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Modification of Blanket Earth Station License to Add EchoStar 8 Operating at 77 W.L.

1-8. Legal Name of Applicant

Name:	EchoStar Corporation	Phone Number:	303-723-1000
DBA Name:		Fax Number:	
Street:	90 Inverness Circle E.	E-Mail:	
City:	Englewood	State:	CO
Country:	USA	Zipcode:	80112 -
Attention:	Linda Kinney - (202)293-0981		

9-16. Name of Contact Representative

Name:	Pantelis Michalopoulos	Phone Number:	202-429-6494
Company:	Steptoe & Johnson LLP	Fax Number:	
Street:	1330 Connecticut Ave., NW	E-Mail:	pmichalopoulos@steptoe.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036-
Attention:		Relationship:	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- a1. Earth Station
- a2. Space Station

- (N/A) b1. Application for License of New Station
- (N/A) b2. Application for Registration of New Domestic Receive-Only Station
- b3. Amendment to a Pending Application
- b4. Modification of License or Registration
- b5. Assignment of License or Registration
- b6. Transfer of Control of License or Registration
- b7. Notification of Minor Modification
- (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
- (N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
- (N/A) b10. Other (Please specify)
- (N/A) b11. Application for Earth Station to Access a Non-U.S. satellite Not Currently Authorized to Provide the Proposed Service in the Proposed Frequencies in the United States.

17c. 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):

17d.

Fee Classification CGV – Fixed Satellite VSAT System

18. If this filing is in reference to an existing station, enter:

(a) Call sign of station:
E050196

19. If this filing is an amendment to a pending application enter both fields, if this filing is a modification please enter only the file number:

(a) Date pending application was filed:

(b) File number:

SESLFS2005070100852

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:

- a. Fixed Satellite
- b. Mobile Satellite
- c. Radiodetermination Satellite
- d. Earth Exploration Satellite
- e. Direct to Home Fixed Satellite
- f. Digital Audio Radio Service
- g. Other (please specify) Direct Broadcast Satellite (DBS)

21. STATUS: Choose the button next to the applicable status. Choose only one.

- Common Carrier Non-Common Carrier

22. If earth station applicant, check all that apply.

- Using U.S. licensed satellites
 Using Non-U.S. licensed satellites

23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:

- Connected to a Public Switched Network Not connected to a Public Switched Network N/A

24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s).

- a. C-Band (4/6 GHz) b. Ku-Band (12/14 GHz)
 c. Other (Please specify upper and lower frequencies in MHz.)

Frequency Lower: 12200

Frequency Upper: 12700

(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.

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

26. TYPE OF EARTH STATION FACILITY:

- Transmit/Receive Transmit-Only Receive-Only N/A

"For Space Station applications, select N/A."

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an 'X' in the box(es) next to all that apply.)

- a — authorization to add new emission designator and related service
- b — authorization to change emission designator and related service
- c — authorization to increase EIRP and EIRP density
- d — authorization to replace antenna
- e — authorization to add antenna
- f — authorization to relocate fixed station
- g — authorization to change frequency(ies)
- h — authorization to add frequency
- i — authorization to add Points of Communication (satellites & countries)
- j — authorization to change Points of Communication (satellites & countries)
- k — authorization for facilities for which environmental assessment and radiation hazard reporting is required
- l — authorization to change orbit location
- m — authorization to perform fleet management
- n — authorization to extend milestones
- o — Other (Please specify)

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?	<input type="radio"/> Yes <input checked="" type="radio"/> No
30. Is the applicant an alien or the representative of an alien?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> 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?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> 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

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.

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? Mexico

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.)

EchoStar Corporation seeks to add the EchoStar 8 satellite as a point of communication operating under Mexican authority at 77 W.L. See attached narrative.

Narrative

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

C

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
Linda Kinney

46. Title of Person Signing
Vice President, Law and Regulation

→

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).

SATELLITE EARTH STATION AUTHORIZATIONS
FCC Form 312 – Schedule B: (Technical and Operational Description)
FOR OFFICIAL USE ONLY

Location of Earth Station Site

E1: Site Identifier:	Multiple	E5: Call Sign:	E050196
E2: Contact Name	David Bair	E6: Phone Number:	(303) 723-1000
E3: Street:		E7: City:	
E4: State		E8: County:	
E10: Area of Operation:		E9: Zip Code	CONUS
E11: Latitude:	0 °0 '0.0 "		
E12: Longitude:	0 °0 '0.0 "		
E13: Lat/Lon Coordinates are:	<input type="radio"/> NAD-27	<input type="radio"/> NAD-83	<input checked="" type="radio"/> N/A
E14: Site Elevation (AMSL):	0.0 meters		

E15. If the proposed antenna(s) operate in the Fixed Satellite Service (FSS) with geostationary satellites, do(es) the proposed antenna(s) comply with the antenna gain patterns specified in Section 25.209(a) and (b) as demonstrated by the manufacturer's qualification measurement? If NO, provide as a technical analysis showing compliance with two-degree spacing policy.

Yes No N/A

E16. If the proposed antenna(s) do not operate in the Fixed Satellite Service (FSS), or if they operate in the Fixed Satellite Service (FSS) with non-geostationary satellites, do(es) the proposed antenna(s) comply with the antenna gain patterns specified in Section 25.209(a2) and (b) as demonstrated by the manufacturer's qualification measurements?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
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E17. Is the facility operated by remote control? If YES, provide the location and telephone number of the control point.	<input type="radio"/> Yes <input checked="" type="radio"/> No
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E18. Is frequency coordination required? If YES, attach a frequency coordination report as	<input type="radio"/> Yes <input checked="" type="radio"/> No
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E19. Is coordination with another country required? If YES, attach the name of the country(ies) and plot of coordination contours as	<input type="radio"/> Yes <input checked="" type="radio"/> No
--	---

E20. FAA Notification – (See 47 CFR Part 17 and 47 CFR part 25.113(c)) Where FAA notification is required, have you attached a copy of a completed FCC Form 854 and/or the FAA's study regarding the potential hazard of the structure to aviation? FAILURE TO COMPLY WITH 47 CFR PARTS 17 AND 25 WILL RESULT IN THE RETURN OF THIS APPLICATION.	<input type="radio"/> Yes <input checked="" type="radio"/> No
---	---

POINTS OF COMMUNICATION

Satellite Name: OTHER OTHER If you selected OTHER, please enter the following:	
E21. Common Name: EchoStar 8	E22. ITU Name:
E23. Orbit Location: 77 W.L.	E24. Country: Mexico

POINTS OF COMMUNICATION (Destination Points)

E25. Site Identifier:	
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E26. Common Name:	E27. Country:
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ANTENNA

Site ID	E28. Antenna Id	E29. Quantity	E30. Manufacturer	E31. Model	E32. Antenna Size<meters>	E41/42. Antenna Gain Transmint and/or Recieve (___ dBi at ___ GHz)	
						dBi at	

E28. Antenna Id	E33/34. Diameter Minor/Major (meters)	E35. Above Ground Level (meters)	E36. Above Sea Level(meters)	E37. Building Height Above Ground Level (meters)	E38. Total Input Power at antenna flange (Watts)	E39. Maximum Antenna Height Above Rooftop (meters)	E40. Total EIRP for al carriers(dBW)
	/						

FREQUENCY

E28. Antenna Id	E43/44. Frequency Bands (MHz)	E45. T/R Mode	E46. Antenna Polarization(H,V, L,R)	E47. Emission Designator	E48. Maximum EIRP per Carrier (dBW)	E49. Maximum ERIP Density per Carrier (dBW/4kHz)

E50. Modulation and Services (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

FREQUENCY COORDINATION

E28. Antenna Id	E51. Satellite Orbit Type	E52/53. Frequency Limits(MHz)	E54/55. Range of Satellite Arc Eastern/Western Limit	E56. Earth Station Azimuth Angle Eastern Limit	E57. Antenna Elevation Angle Eastern Limit	E58. Earth Station Azimuth Angle Western Limit	E59. Antenna Elevation Angle Western Limit	E60. Maximum EIRP Density toward the Horizon (dBW/4kHz)
			/					

REMOTE CONTROL POINT LOCATION

E61. Call Sign		E66. Phone Number	
NOTE: Please enter the callsign of the controlling station, not the callsign for which this application is being filed.			
E62. Street Address			
E63. City	E68. County	E67/68. State/Country /	E64. Zip Code

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