

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

In the Matter of)	
)	File Nos. 11-DSE-P/L-98,
Application of)	270-DSE-P/L-98,
)	274-DSE-P/L-98
EchoStar North America Corporation)	
)	IBFS File Nos.
For Licenses for New Fixed Satellite)	SES-LIC-19971003-01417
Transmit/Receive Earth Stations)	SES-LIC-19971125-01672
Two Transmit/Receive Earth Stations,)	SES-LIC-19971125-01673
With 13.2-Meter Antennas, To Provide)	
Direct Broadcast Satellite Service (DBS);)	Call Signs: E980005,
Telemetry, Tracking, and Control)	E980081, E980082
)	

ORDER AND AUTHORIZATION

Adopted: August 1, 2001

Released: August 2, 2001

By the Chief, Satellite and Radiocommunication Division, International Bureau:

1. By this Order, we grant EchoStar North America Corporation (EchoStar) authority to operate three transmit/receive earth stations in Laramie, Wyoming. EchoStar plans to operate in the 17.3-17.8 GHz and 12.2-12.7 GHz frequency bands, with geostationary satellites located at 61.5° W.L. and 119° W.L., to provide Direct Broadcast Satellite (DBS) service using a 13.2-meter antenna. EchoStar is currently operating these earth stations under Special Temporary Authority (STA).¹

2. On December 19, 1997, TelQuest Ventures, Inc. (TelQuest) filed a petition to deny EchoStar's applications. TelQuest explains that it once sought authority to construct and operate an earth station to communicate with a satellite at 91° W.L.² According to TelQuest, even though its earth station application was denied,³ TelQuest's investment in its facilities gives it property rights in DBS spectrum related to the 91° W.L. orbital location.⁴ TelQuest requests that we deny EchoStar's application or condition its license on EchoStar not communicating with satellites to be located at that location.⁵ EchoStar responds that TelQuest has no property rights to DBS

¹ We grant-stamped EchoStar's STA renewal request for E980005 on December 16, 2000, and for E980081 and E980082 on January 25, 2001. See SES-STA-20001213-02347; SES-STA-20010119-00080; SES-STA-20010119-00081.

² TelQuest Petition at 2.

³ See, e.g., TelQuest Ventures, LLC, Report and Order, 11 FCC Rcd 8151 (Int'l Bur. 1996); *recon. denied*, 11 FCC Rcd 13943 (Int'l Bur. 1996).

⁴ TelQuest Petition at 2-8.

⁵ TelQuest Petition at 4.

spectrum related to the 91° W.L. orbital location, and emphasizes that it is not seeking authority to communicate with any satellite at 91° W.L.⁶

3. We hereby deny TelQuest's petition. First, EchoStar is correct that any interest TelQuest may have in DBS spectrum related to the 91° W.L. orbital location is not relevant to EchoStar's earth station applications seeking to communicate with satellites at other locations. Second, no Commission licensee can ever receive any property rights to any spectrum or any orbit location.⁷ Third, if it were possible for any licensee to receive such property rights, TelQuest would not be eligible for those rights, because the Bureau properly dismissed TelQuest's earth station application in 1996, and that dismissal was upheld by the Commission.⁸ Finally, EchoStar's planned earth stations otherwise conform with the Commission's rules.

4. Accordingly, IT IS ORDERED that, pursuant to Sections 301 and 309(a) of the Communications Act, as amended, 47 U.S.C. §§ 301, 309(a), and Sections 0.51 and 0.261 of the Commission's Rules, 47 C.F.R. §§ 0.51, 0.261, EchoStar North America Corporation IS GRANTED authority to construct and operate three transmit/receive earth stations at Laramie, Wyoming, as specified in Application Nos. File Nos. 11-DSE-P/L-98, 270-DSE-P/L-98, 274-DSE-P/L-98; IBFS File Nos. SES-LIC-19971003-01417; SES-LIC-19971125-01672; SES-LIC-19971125-01673.

5. This Order 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. 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 release of this Order. (See 47 C.F.R. § 1.4(b)(2).)

FEDERAL COMMUNICATIONS COMMISSION

Thomas S. Tycz
Chief,
Satellite and Radiocommunication Division

⁶ EchoStar Opposition at 2.

⁷ See Morning Star Satellite Company, L.L.C., *Memorandum Opinion and Order*, FCC 01-179 (released May 25, 2001) at para. 13, *citing* Section 301 of the Communications Act, 47 U.S.C. § 301.

⁸ TelQuest Ventures, L.L.C., Western Tele-Communications, Inc., *Report and Order*, 11 FCC Rcd 8151 (Int'l Bur., 1996), *aff'd*. TelQuest Ventures, L.L.C., Western Tele-Communications, Inc., *Report and Order*, 11 FCC Rcd 13943 (Int'l Bur., 1996); TelQuest Ventures, L.L.C., Western Tele-Communications, Inc., *Memorandum Opinion and Order*, FCC 01-216 (released Aug. 1, 2001).