



Federal Communications Commission  
Washington, D.C. 20554

**DA 05-3225**

December 20, 2005

Pantelis Michalopoulos  
Counsel for EchoStar Satellite Operating Corporation  
Steptoe & Johnson LLP  
1330 Connecticut Ave., NW  
Washington DC 20036-1795

Re: Application to Make Minor Modification to Direct Broadcast Satellite Authorizations and For Launch and Operating Authority for the EchoStar 10 Satellite at 110° W.L., IBFS File No. SAT-MOD-20051125-00254

Dear Mr. Michalopoulos:

EchoStar Satellite Operating Corporation (EchoStar) has filed an application for authority to launch and operate a Direct Broadcast Satellite, EchoStar 10, which is to be located at the nominal 110° W.L. orbital location.<sup>1</sup> For the reasons cited below, we dismiss the application, filed on November 25, 2005, and a December 13, 2005 letter relating to the application, as defective, without prejudice to refileing.

Section 25.114(c) of the Commission's rules<sup>2</sup> requires all space station applicants to submit all applicable items of information listed in its subsections. In addition, Section 25.112(a)(1) of the Commission's rules provides that an application will be unacceptable for filing if "the application is defective with respect to completeness of answers to questions, informational showings, internal inconsistencies, execution, or other matters of a formal character."<sup>3</sup>

On December 13, 2005, you submitted a letter that informs the Commission that EchoStar's launch date is set for on or about February 6, 2006, and includes a new Schedule S, which contains corrections of typographical errors contained in the originally-submitted Schedule

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<sup>1</sup> Application to Make Minor Modification to Direct Broadcast Satellite Authorizations and For Launch and Operating Authority for the EchoStar 10 Satellite at 110 W.L., IBFS File No. SAT-MOD-20051125-00254 (filed November 25, 2005).

<sup>2</sup> 47 C.F.R. § 25.114(c).

<sup>3</sup> 47 C.F.R. § 25.112(a)(1).

S.<sup>4</sup> Upon examination of the new Schedule S, we find it contains an inconsistency that was also contained in the original Schedule S. Specifically, we find that EchoStar's application contains inconsistent information regarding the telemetry, tracking, and control (TT&C) receiving antenna gain contour diagram.<sup>5</sup> The TT&C receiving antenna gain contour diagram is contained in the file named "GBLR.gxt" attached to EchoStar's Form 312, Schedule S filing, and referred to in items S7 and S8 of Schedule S. The antenna gain contour diagram for the command receiving beam in the GBLR.gxt file appears to match the antenna gain contour diagram for the southeastern Florida spot beam, identified as "beam id T01" in Schedule S. The antenna gain contour of this beam is a narrowly-focused spot beam, and is clearly inconsistent with the description of the TT&C receiving antenna beam in Table A5-1 of Attachment A of the application as an "Earth coverage horn antenna."

For this reason, we find EchoStar's application to be internally inconsistent, and thus unacceptable for filing. We therefore dismiss the application, IBFS File No. SAT-MOD-20051125-00254, pursuant to Section 25.112(a) of the Commission's rules.<sup>6</sup>

Finally, while not a ground for dismissal, we take this opportunity to inform EchoStar of another clarification it should make if it refiles the application. We note that, while most of the names of the .gxt files match the beam name contained in the file, the T47.gxt, T48.gxt, and T49.gxt files attached to the Schedule S contain beam names which are listed in these files as T3, T5, and T4, respectively. To avoid confusion, we request that, in the event EchoStar refiles this application, it either change the beam names in these three .gxt files to match the file names, or provide an explanation of this inconsistency in the narrative portion of the application.

This action is taken pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261.

Sincerely,

Fern J. Jarmulnek  
Deputy Chief, Satellite Division  
International Bureau

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<sup>4</sup> See Letter from Pantelis Michalopoulos, Counsel for EchoStar Satellite Operating Corporation, to Marlene H. Dortch, Secretary, Federal Communications Commission, dated December 13, 2005.

<sup>5</sup> 47 C.F.R. § 25.208.

<sup>6</sup> 47 C.F.R. § 25.112(a). If EchoStar refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).