



Federal Communications Commission
Washington, D.C. 20554

July 16, 2013

DA 13-1580

EchoStar Broadcasting Corporation
Ms. Alison Minea
100 Inverness Terrace East
Englewood, CO 80112

Call Sign: E020233
File No.: SES-MFS-20120612-00506

Dear Ms. Minea:

On June 12, 2012, EchoStar Broadcasting Corporation (EBC) filed the above-captioned application to modify its fixed earth station add the DBSD G-1 (S2651) space station operating at the 92.85° orbital location as a point of Communication. EBC's narrative statement indicates this modification is required to allow EBC to provide telemetry, tracking, and control for the DBSD G-1 space station using C-band frequencies for limited emergency or contingency operations, should the need arise, and for periodic reliability testing. We dismiss the application as defective without prejudice to re-filing.¹

Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, that contains internal inconsistencies, or that does not substantially comply with the Commission's rules. EBC application is not complete for the reasons stated below.

- In response to item E18 of Schedule B, EBC indicates that a frequency coordination report is not required for its proposed modification to its C-band operations. However, Section 25.203(c) of the Commission's rules requires all earth station applicants to complete frequency coordination if the earth station will operate in frequency bands shared with terrestrial services on a co-primary basis such as in the 3700-4200MHz and 5925-6425 MHz bands proposed in the application. If EBC chooses to refile, it must include a frequency coordination report with its application.

¹ If EchoStar Broadcasting Corporation re-files 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. § 1.1111(d).

- EBC did not complete items E28 through E60 of Schedule B to the FCC Form 312 relating to the particulars of the proposed operations as required by section 25.130 (a)(1) of the Commission's rules, 47 C.F.R. § 25.130(a)(1).

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261(a)(4) of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261(a)(4), we dismiss the application of EchoStar Broadcasting Corporation without prejudice to re-filing.

Sincerely,

Paul E. Blais
Chief, Systems Analysis Branch
Satellite Division
International Bureau

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