

RESPONSE TO QUESTION 35, FCC FORM 312 AND QUESTION 102 FCC FORM 603

On May 16, 2002, the International Bureau (“Bureau”) cancelled two conditional construction permits held by affiliates of DISH Network Corporation (with its affiliates, “DISH”) for 22 channels at the 175° W.L. orbital location.¹ On July 1, 2002, the Bureau cancelled DISH’s license for a Ka-band satellite system and dismissed a related modification application.²

On April 29, 2004, the Bureau denied, in part, four applications filed by DISH to operate GSO FSS satellites using the Ka and/or Extended Ku-bands at various orbital locations.³ On August 3, 2004, the Bureau declared null and void the space station authorization held by VisionStar, a DISH affiliate, for use of the Ka-band at the 113° W.L. orbital location.⁴

On May 19, 2005, the Bureau denied DISH’s applications to move the EchoStar 4 satellite to 61.5° W.L., pending the Commission’s consideration of another DISH request to move the satellite to 77° W.L., on the grounds that there were no extraordinary circumstances for the grant of temporary authority.⁵ On June 3, 2005, the International Bureau denied DISH’s application for a Special Temporary Authority to move the EchoStar 4 satellite to 77° W.L. on the grounds that DISH had failed to establish extraordinary circumstances for the grant of such authority.⁶

On July 26, 2011, the Commission declared null and void an authorization of EchoStar Corporation, the parent company of EchoStar Satellite Services L.L.C. (together with their affiliates, “EchoStar”), to construct, launch, and operate a new Direct Broadcast Satellite at 86.5° W.L. for failure to meet the critical design review milestone, and rejected EchoStar’s request to modify its 86.5° W.L. authorization to allow the in-orbit EchoStar 8 satellite to provide service from that orbital location.⁷

¹ See EchoStar Satellite Corporation, *Memorandum Opinion and Order*, DA 02-1164 (rel. May 16, 2002).

² See EchoStar Satellite Corporation, *Memorandum Opinion and Order*, DA 02-1534 (rel. July 1, 2002). On November 8, 2002, however, the Bureau reinstated DISH’s license for a Ka-band system as well as the related modification application. See EchoStar Satellite Corporation, *Memorandum Opinion and Order*, DA 02-3085 (rel. Nov. 8, 2002).

³ See EchoStar Satellite LLC, *Memorandum Opinion and Order*, DA 04-1167 (rel. Apr. 29, 2004).

⁴ See VisionStar, Inc., *Memorandum Opinion and Order*, DA 04-2449 (rel. Aug. 3, 2004).

⁵ See Letter from Thomas S. Tycz, Chief, Satellite Division, International Bureau, FCC to Pantelis Michalopoulos, Counsel to EchoStar Satellite L.L.C., DA 05-1405 (May 19, 2005).

⁶ See EchoStar Satellite L.L.C., *Memorandum Opinion and Order*, DA 05-1581 (rel. Jun. 3, 2005).

⁷ See EchoStar Corp., *Memorandum Opinion and Order*, 26 FCC Rcd. 10442 (IB 2011).

On May 31, 2012, the Bureau denied DISH's request to suspend operations on Direct Broadcast Service ("DBS") channels at the 148° W.L. location in August 2009 and denied DISH's request that it hold its decision in abeyance until 90 days after EchoStar 16's launch.⁸

The Commission also has denied a few of EchoStar's applications for initial license or modification.⁹ The Commission has dismissed, but not denied on the merits, a few of EchoStar's license applications without prejudice to refiling.¹⁰

⁸ See DISH Operating L.L.C., *Memorandum Opinion and Order*, DA 12-859 (rel. May 31, 2012).

⁹ See Public Notice, Satellite Communications Services Information Re: Actions Taken, Report. No. SES-00847 at 27 (Aug. 16, 2006) (denying request for extension of construction milestones regarding File Nos. SES-MOD-20060404-00560 and SES-MOD-20060404-00561); EchoStar Satellite LLC, *Memorandum Opinion and Order*, 19 FCC Rcd. 7846 (2004) (denying applications to launch and operate four geostationary satellites because of interference concerns); EchoStar Satellite LLC, *Order*, 20 FCC Rcd. 12027 (2005); EchoStar Satellite Corp., *Memorandum Opinion and Order*, 17 FCC Rcd. 8831 (2002) (denying request to extend construction milestone dates); EchoStar Satellite Corp., *Memorandum Opinion and Order*, 16 FCC Rcd. 14300 (2001).

¹⁰ See, e.g., Letter from Robert G. Nelson, Chief, Satellite Division, to Pantelis Michalopoulos, Counsel for EchoStar Corporation, 24 FCC Rcd. 7132 (2009); EchoStar Corporation, Application to Operate a C-Band Geostationary Satellite Orbit Satellite in the Fixed-Satellite Service at the 84.9° W.L. Orbital Location, *Memorandum Opinion and Order*, 25 FCC Rcd. 10193 (2010); Letter from Paul E. Blais, Chief, Systems Analysis Branch, Satellite Division, to Alison Minea, Corporate Counsel, EchoStar Broadcasting Corporation, 28 FCC Rcd. 10214 (2013); Letter from Paul E. Blais, Chief, Systems Analysis Branch, Satellite Division, to Alison Minea, Corporate Counsel, EchoStar Broadcasting Corporation, 28 FCC Rcd. 10216 (2013).