



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 05-501

Released: February 25, 2005

EchoStar Satellite L.L.C. (Assignor) and Rainbow DBS Company LLC (Assignee)
Seek Approval for the Assignment of FCC Licenses and Authorizations
Held by Rainbow DBS Company LLC to EchoStar Satellite L.L.C.

IB Docket No. 05-72

PLEADING CYCLE ESTABLISHED

Comments/Petitions Due: March 28, 2005
Oppositions Due: April 12, 2005
Replies Due: April 18, 2005

On January 28, 2005, EchoStar Satellite L.L.C. ("EchoStar") and Rainbow DBS Company LLC ("Rainbow DBS") filed applications pursuant to section 310(d) of the Communications Act of 1934, as amended,¹ seeking consent to assign authority held by Rainbow DBS to operate a Direct Broadcast Satellite ("DBS") space station, Rainbow 1, at the 61.5° W.L. orbital location, and the associated earth station facilities at the Black Hawk site in Rapid City, South Dakota, to EchoStar. Specifically, the assignment request includes Rainbow's authorization to operate Rainbow 1, call sign DBS 8701, at 61.5° W.L. on 11 odd-numbered channels (channels 1-21), the Special Temporary Authority ("STA") to operate on 2 additional DBS channels at that orbital location (channels 23 and 24),² and the license to operate the Black Hawk Earth Station, call sign E020248. The pertinent file numbers associated with this assignment request are as follows:

<u>File Numbers</u>	<u>Licensee/Call Signs</u>
SAT-ASG-20050128-00017	Rainbow DBS Company LLC Call Sign(s): DBS 8701
SES-ASG-20050131-00117	Rainbow DBS Company LLC Call Sign(s): E020248

¹ 47 U.S.C. § 310(d).

² The 2 DBS channels (23 and 24) held by Rainbow pursuant to an STA were the subject of recent Commission decisions on DBS auction authority and eligibility requirements. See, In the Matter of Auction of Direct Broadcast Satellite Licenses, *Order*, AUC-03-52, FCC 04-271 (rel. Dec. 3, 2004) ("*December 2004 Order*"). See also, In the Matter of Auction of Direct Broadcast Satellite Licenses, *Order*, AUC-03-52, FCC 04-8 (rel. Jan. 15, 2004).

GENERAL INFORMATION

The applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules, regulations, or policies. Final action will not be taken on the above referenced applications earlier than 31 days following the date of this Public Notice.³

Interested parties may file comments regarding or petitions to deny the Assignment Application no later than **March 28, 2005**. Oppositions or responses to these comments and petitions may be filed no later than **April 12, 2005**. Replies may be filed no later than **April 18, 2005**. All filings concerning matters referenced in this Public Notice should refer to **IB Docket No. 05-72**.

Under the Commission's procedures for the submission of filings and other documents,⁴ submissions in this matter may be filed electronically (*i.e.*, through the Commission's Electronic Comment Filing System ("ECFS")) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**⁵ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at fcc@bcpiweb.com or (202) 488-5563 (facsimile); (2) Kathleen Campbell, Satellite Division, International Bureau, at

³ See 47 U.S.C. §309(b).

⁴ See *Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, 16 FCC Rcd 21483 (2001); see also *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence*, Public Notice, 16 FCC Rcd 22,165 (2001); *Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media*, Public Notice, 18 FCC Rcd 16705 (2003).

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

kathleen.campbell@fcc.gov or (202) 418-0748 (facsimile); (3) Jeanette Spriggs, Satellite Division, International Bureau, at jeanette.spriggs@fcc.gov or (202) 418-0748, and (4) JoAnn Lucanik, Satellite Division, International Bureau, at joann.lucanik@fcc.gov or (202) 418-0748 (facsimile).

Copies of the Assignment Application and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at fcc@bcpiweb.com. The Applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The Assignment Application also is available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. Alternate formats of this public notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to access@fcc.gov.

For further information, contact the Satellite Division, International Bureau at 202-418-0719.

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