

## *Echostar-7*: The US Imposes First-Ever Fine for Failure to Comply with Deorbiting Plan

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*The October 2023 enforcement decision by the US Federal Communications Commission (FCC) signifies a historical benchmark in the enforcement of space sustainability measures over private commercial space actors. Echostar-7, a commercial satellite launched in 2002 and operating at the Earth's Geosynchronous Orbit (GEO), provided direct broadcast telecommunications services to the US consumer market. Its operator, DISH Operating LLC failed to properly boost the spacecraft to a disposal 'graveyard' orbit above GEO as required as part of its governmental licence. An investigation by the FCC's Enforcement Bureau resulted in a Consent Decree with Dish, whereby Dish accepted liability, agreed to pay a penalty fine of 150,000 USD, and agreed to submit and adhere to a compliance plan regarding the proper disposal of the Echostar-7 spacecraft.*

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### 1 THE CASE

On 2 October 2023, the Enforcement Bureau of the US Federal Communications Commission (FCC) entered into a Consent Decree with the company DISH Operating LLC to settle its investigation into DISH's failure to properly deorbit its geostationary satellite *Echostar-7*.<sup>1</sup> This was the first time a fine was imposed for non-compliance with debris mitigation procedures. At a time when orbits are becoming increasingly crowded, and nations and citizens are ever more dependent on the continuous availability of outer space capabilities and satellite data, this regulatory action marks an important step in ensuring the long-term sustainability of outer space activities.

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<sup>1</sup> The Consent Decree is available at, <https://docs.fcc.gov/public/attachments/DA-23-888A1.pdf>. See also the FCC Press Release (2 Oct. 2023), <https://docs.fcc.gov/public/attachments/DOC-397412A1.pdf> (accessed 5 Feb. 2024).