

## EXHIBIT 1

### APPLICATION FOR MINOR MODIFICATION (Response to Question 43)

Pursuant to Section 25.117 of the Commission's rules,<sup>1</sup> EchoStar Satellite Operating Corporation ("ESOC," and with its affiliates, "EchoStar") requests to modify its license to operate the EchoStar 15 satellite (Call Sign S2811) at 45.1° W.L. for the provision of Broadcasting-Satellite Service ("BSS") to Brazil pursuant to Brazilian authorization. Specifically, EchoStar seeks a minor modification to permit the satellite to be repointed so as to further optimize service coverage of Brazil. The attached Schedule S and Technical Annex contain technical information reflecting this minor modification, as required under Section 25.114 of the Commission's rules.<sup>2</sup> This minor modification to permit repointing and reconfiguration of the satellite is the only requested change to the EchoStar 15 satellite license. All other terms and conditions of the license will remain the same.

#### I. BACKGROUND

HNS Americas Comunicações Ltda. ("HNSA"), a wholly owned, indirect subsidiary of EchoStar Corporation, ESOC's ultimate parent company, holds an authorization to provide BSS to Brazil from the nominal 45° W.L. orbital location.<sup>3</sup> Accordingly, EchoStar has agreed to operate the EchoStar 15 satellite in accordance with Brazil's Region 2 BSS plan for the 45° W.L. cluster, as well as in conformity with HNSA's authorization and applicable Brazilian

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<sup>1</sup> 47 C.F.R. § 25.117.

<sup>2</sup> *Id.* § 25.114.

<sup>3</sup> A certified translation of the Brazilian authorization is attached to EchoStar's previously granted modification application to change EchoStar 15's assigned orbital location from 44.9° W.L. to 45.1° W.L. See ESOC, Application for Minor Modification, Exh. 1 (Term of Right of Exploration), IBFS File No. SAT-MOD-20130503-00066 (filed May 3, 2013).

laws, rules, and regulations, while HNSA designs and constructs a new, purpose-built satellite for the orbital location, consistent with HNSA's Brazilian authorization.

In late 2012, the Commission authorized EchoStar to relocate and operate EchoStar 15 at 44.9° W.L.<sup>4</sup> In June 2013, the Commission modified that authorization to permit operations on a regular basis at 45.1° W.L. instead of 44.9° W.L., in order to accommodate EchoStar's operational preference to position EchoStar 15 at 45.1° W.L. as an interim satellite during the design and construction of a new satellite.<sup>5</sup> EchoStar 15 currently operates at 45.1° W.L. as authorized.

## **II. THE PROPOSED MODIFICATION WILL SERVE THE PUBLIC INTEREST**

The proposed modification will offer substantial public interest benefits. As an initial matter, the Commission has a longstanding policy of leaving fleet management decisions to satellite operators because doing so generally serves the public interest. Specifically, the Commission has determined that the satellite licensee "is in a better position to determine how to tailor its system to meet the particular needs of its customers."<sup>6</sup> Thus, the Commission "will generally grant a [satellite] licensee's request to modify its system, provided there are no compelling countervailing public interest considerations."<sup>7</sup>

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<sup>4</sup> See ESOC, *Stamp Grant*, IBFS File No. SAT-STA-20121022-00185 (granted Nov. 19, 2012) (authorizing relocation to 44.9° W.L. pursuant to STA); ESOC, *Stamp Grant*, File No. SAT-MOD-20120814-00130 (granted Dec. 13, 2012) (authorizing operations at 44.9° W.L.).

<sup>5</sup> See ESOC, *Stamp Grant*, IBFS File No. SAT-MOD-20130503-00066 (granted June 20, 2013). On May 9, 2013, the FCC granted special temporary authority to drift and operate EchoStar 15 at 45.1° W.L. See ESOC, *Stamp Grant*, IBFS File No. SAT-STA-20130502-00065 (granted May 9, 2013).

<sup>6</sup> *AMSC Subsidiary Corp.*, 13 FCC Rcd 12316, ¶ 8 (IB 1998).

<sup>7</sup> *Id.*; see also *SES Americom, Inc.*, 21 FCC Rcd. 3430, 3433 ¶ 8 (2006) (FCC "generally has allowed satellite operators to rearrange satellites in their fleet to reflect business and customer considerations where no public interest factors are adversely affected").

Here, the proposed modification will allow EchoStar, a U.S. company, to continue to expand and improve its service offerings to Brazil. Additionally, by enhancing EchoStar 15's service capabilities, the proposed modification will bolster EchoStar's ability to (i) expand the market for U.S. programming, thus contributing to U.S. economic growth; and (ii) achieve economies of scale from offering the same programming to both Brazilian and U.S. markets.

As the Commission has found, the public interest is served by "expanding the presence of U.S. satellite operators in Latin America."<sup>8</sup> The Commission also has found that encouraging satellite service to international markets advances the public interest in numerous ways:

First, permitting international service would expand the potential audience for American programming, and could stimulate economic growth. Second, importing uplinked foreign programming would enable operators to better satisfy the needs and desires of enhance services to multi-lingual subscribers in the U.S. Third, operators would enjoy economies of scale for both themselves and their customers if non-English language programs could simultaneously serve same-language communities in the U.S. and in foreign markets.<sup>9</sup>

Thus, the public interest benefits resulting from the proposed modification are fully consistent with those that the Commission has found to support authorizing satellite service to international markets, particularly in Latin America. At the same time, the proposed modification will cause no harmful interference to other authorized services, as demonstrated in the Technical Annex. In any event, as noted below, EchoStar will continue to operate EchoStar 15 on a non-harmful interference basis.

### **III. OPERATIONAL PARAMETERS**

EchoStar will operate EchoStar 15 at 45.1° W.L., subject to the terms and conditions of its existing license, including the following:

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<sup>8</sup> See *Intelsat LLC*, 19 FCC Rcd 2775, ¶ 9 (IB 2004).

<sup>9</sup> See *Domestic Fixed Satellites and Separate Int'l Satellite Sys.*, 11 FCC Rcd 2429, ¶ 67 (1996).

1. All authorized operations will be on an unprotected and non-harmful interference basis. EchoStar will not cause harmful interference to, and will not claim protection from interference caused to it by, any other lawfully operating radio communication system. In the event that EchoStar's authorized operations cause harmful interference to any other lawfully operating radio communication system, EchoStar will cease operations immediately upon notification of such interference and will immediately inform the Commission in writing of such an event.
2. EchoStar will maintain full operational control of EchoStar 15 at all times.
3. EchoStar will maintain EchoStar 15 with an east-west longitudinal station-keeping tolerance of +/-0.05 degree of the 45.1° W.L. orbital location.
4. In connection with the provision of service to Brazil, EchoStar will comply with the applicable laws, regulations, rules, and licensing procedures of Brazil.

Additionally, EchoStar will operate pursuant to Brazil's ITU Appendix 30/30A

Plan Assignment and associated plan modifications, in accordance with Brazil's agreement with HNSA.