

EXHIBIT 1

APPLICATION FOR MINOR MODIFICATION (Response to Question 43)

I. INTRODUCTION

Pursuant to Section 25.117 of the Commission's rules,¹ EchoStar Satellite Operating Corporation (with its affiliates, "EchoStar") requests a minor modification to repoint the Ku-band antenna beams of the AMC-16 satellite at 85° W.L. (Call Sign S2181) so as to further optimize service coverage of the northwestern portion of South America. EchoStar further seeks flexibility to continue operating its licensed Ku-band payload as currently authorized, until such time as EchoStar elects to commence repointing the satellite antenna beams as proposed in this application. EchoStar will notify the Commission in writing of its election at least 30 days prior to implementing the proposed antenna beam repointing. If EchoStar later seeks to revert back to the prior mode of operations, it will seek additional FCC authorization prior to doing so.

The accompanying Schedule S and Technical Annex contain technical information reflecting this minor modification, as required under Section 25.114 of the Commission's rules.² This minor modification to permit repointing of the Ku-band antenna beams is the only requested change to the AMC-16 satellite license. All other terms and conditions of the license will remain the same.

II. BACKGROUND

Since launch of the AMC-16 satellite in 2004, EchoStar has been the sole customer of SES Americom, Inc. ("SES") for use of both the Ku- and Ka-band payloads on the satellite. In March 2015, the license for the Ku-band payload (including TT&C) on AMC-16 was assigned

¹ 47 C.F.R. § 25.117.

² 47 C.F.R. § 25.114.

from SES to EchoStar, pursuant to Commission approval. EchoStar uses the Ku-band payload to provide a variety of fixed satellite and direct-to-home services, including both wideband and narrowband digital services, to South America.

III. 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.”³ Thus, the Commission “will generally grant a [satellite] licensee’s request to modify its system, provided there are no compelling countervailing public interest considerations.”⁴

Here, the proposed modification will allow EchoStar, a U.S. company, to continue to expand and improve its service offerings to South America. Additionally, by enhancing AMC-16’s Ku-band 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 South American 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.”⁵ The Commission also has found that encouraging satellite service to international markets advances the public interest in numerous ways:

³ *AMSC Subsidiary Corporation*, 13 FCC Rcd 12316, ¶ 8 (IB 1998).

⁴ *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”).

⁵ See *Intelsat LLC*, 19 FCC Rcd 2775, ¶ 9 (IB 2004).

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.⁶

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 South America. At the same time, the proposed modification will cause no harmful interference to other authorized services, as demonstrated in the Technical Annex.

⁶ See *Domestic Fixed Satellites and Separate Int'l Satellite Sys.*, 11 FCC Rcd 2429, ¶ 67 (1996).