

EXHIBIT 1

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY (Response to Space Station/Earth Station STA Forms, Question 8 or 12)

Pursuant to 47 C.F.R. § 25.120(b), EchoStar Satellite Operating Corporation and EchoStar Operating L.L.C. (together with their affiliates, “EchoStar”) request special temporary authority (“STA”), for 60 days commencing on or approximately May 25, 2017, to (i) move and operate the EchoStar 3 satellite (Call Sign S2741) at 86.4° W.L.; and (ii) operate certain earth stations in Blackhawk, South Dakota (Call Signs E020248 and E150098), and Gilbert, Arizona (Call Sign E010242) for telemetry, tracking, and control (“TT&C”) and feeder link communications during EchoStar 3’s proposed relocation.¹

During the requested STA period, EchoStar 3’s initial operations at 86.4° W.L. will be in accordance with the United Kingdom’s filings with the International Telecommunication Union (“ITU”) for the USAT-S3 MOD-C and USAT-S3 MOD-D networks. Following such STA operations, EchoStar 3 will operate on a regular basis at 86.4° W.L. in accordance with the United Kingdom’s ITU filings for the IOMSAT-S21 network. The relevant technical and orbital debris mitigation information are provided in the Schedule S and Technical Annex filed with the Modification Applications.

I. BACKGROUND

Launched in 1998, the EchoStar 3 satellite is capable of operating in the 17.3-17.8 GHz BSS feeder uplink (ITU Appendix 30A) and the 12.2-12.7 GHz BSS downlink (ITU Appendix 30) bands. In 2008, the Commission extended EchoStar 3’s license term for an additional 10

¹ EchoStar concurrently is filing applications to modify (“Modification Applications”) the licenses of EchoStar 3 and the above-referenced earth stations to permit moving the satellite to 86.4° W.L. for regular operations and to add the satellite at 86.4° W.L. as a point of communications for TT&C and feeder link operations.

years.² Until just a few years ago, EchoStar 3 provided capacity for service (via DISH Network Corporation) to millions of satellite television subscribers. The satellite currently operates as an in-orbit spare at 61.8° W.L. under STA.³

EchoStar 3 remains in good health and currently operates in an inclined orbit.⁴ All critical systems are functioning with at least one level of redundancy. EchoStar has placed EchoStar 3 in an inclined orbit in the north-south direction to extend the useful life beyond its current license period, set to expire in 2018. EchoStar will file for a license term extension before the current one expires.

During an initial period of approximately three to four months, EchoStar seeks to operate the satellite at 86.4° W.L. on an STA basis to accommodate the needs of its customer and development partner, SES Satellites (Gibraltar) Ltd. (“SES”). SES currently operates NIMIQ-1, a Canadian-licensed Ku-band BSS satellite, on a regular basis at 86.5° W.L. in accordance with the United Kingdom’s ITU filings for the USAT-S3 MOD-C and USAT-S3 MOD-D networks. Consequently, for the duration of this brief temporary period, EchoStar has agreed, subject to obtaining FCC and other required regulatory approvals, to operate EchoStar 3 at 86.4° W.L. in accordance with the United Kingdom’s ITU filings for the USAT-S3 MOD-C and USAT-S3 MOD-D networks to provide BSS capacity currently offered by NIMIQ-1.

Upon completion of the temporary operations described above, EchoStar 3 will operate in accordance with the United Kingdom’s ITU filings for the IOMSAT-S21 network on a regular

² See EchoStar, Stamp Grant, IBFS File No. SAT-MOD-20071212-00173 (Apr. 3, 2008).

³ See EchoStar, Stamp Grant, IBFS File No. SAT-STA-20161207-00126 (Jan. 26, 2017); *see also* EchoStar, Stamp Grant, IBFS File No. SAT-STA-20140106-00003 (Jan. 26, 2014).

⁴ See Letter from Jennifer A. Manner, EchoStar, to Marlene H. Dortch, Secretary, FCC, IBFS File Nos. SAT-MOD-20120301-00033 *et al.* (July 16, 2014) (noting commencement of EchoStar 3’s inclined orbit operation).

basis for development of new services. Based on its market analysis and assessment of EchoStar 3's capabilities, EchoStar seeks to place the satellite into more productive use at 86.4° W.L. As demonstrated below and in the Modification Applications, such operations will provide substantial public interest benefits.

II. GRANT OF THE REQUESTED STA WILL SERVE THE PUBLIC INTEREST

The proposed STA operations 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.”⁵ Thus, the Commission “will generally grant a [satellite] licensee’s request to modify its system, provided there are no compelling countervailing public interest considerations.”⁶ Consequently, the proposed temporary operations at 86.4° W.L. will serve the public interest by allowing EchoStar the flexibility to determine how best to meet the needs of its customers.⁷

Additionally, as demonstrated in the Modification Applications, the public interest benefits of moving EchoStar 3 to 86.4° W.L. include the following: (i) allowing EchoStar, a U.S. company, to expand its presence in foreign markets, thus strengthening its competitiveness

⁵ *AMSC Subsidiary Corporation*, 13 FCC Rcd 12316, ¶ 8 (IB 1998).

⁶ *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”).

⁷ See *supra* nn.6 and 7; see also *EchoStar STA Order* ¶ 8 (“assessment of the motivation of [satellite] operators ... does not provide an appropriate basis for determining whether an STA would serve the public interest); *SES Americom* ¶ 12 n.39 (FCC consideration of “incidental effect” resulting from STA operations is “irrelevant to our public interest determination”).

and ability to create jobs and contribute to U.S. economic growth;⁸ (ii) facilitating development of new and competitive services to foreign markets,⁹ thus resulting in substantial consumer and economic benefits for those markets;¹⁰ (iii) permitting development of an orbital location for potential new services that otherwise would not be available to the public;¹¹ and (iv) allowing more productive use of EchoStar 3, which currently serves as a secondary back-up satellite at the 61.8° W.L orbital location, for development of new services to the public.¹²

At the same time, as noted below, EchoStar 3 will operate under the requested STA on an unprotected, non-harmful interference basis, thus ensuring no harmful interference to other authorized services.

III. OPERATIONAL PARAMETERS

EchoStar 3's STA operations will be subject to the conditions typically imposed on U.S.-licensed satellites operating under STA in accordance with non-U.S. ITU filings. These conditions include the following:

1. All authorized operations will be on an unprotected and non-harmful interference basis (*i.e.*, EchoStar 3 will not cause harmful interference to, and will not claim protection from interference caused to it by, any other lawfully operating station). In the event of any harmful interference,

⁸ See *Intelsat LLC*, Order and Authorization, 19 FCC Rcd 2775, 2777 ¶ 9 (IB 2004).

⁹ EchoStar is in the process of applying for the appropriate authorizations in Colombia to support this service.

¹⁰ See *Domestic Fixed Satellites and Separate Int'l Satellite Sys.*, Report and Order, 11 FCC Rcd 2429, 2439 ¶ 67 (1996).

¹¹ See *Columbia Communications Corp.*, Memorandum Opinion and Order, 7 FCC Rcd 122, ¶ 16 (1991); see also *EchoStar Satellite Operating Co.*, Order and Authorization, 28 FCC Rcd 4229, 4232 ¶ 9 (IB 2013) ("*EchoStar STA Order*"), *aff'd*, 28 FCC Rcd 10412 (2013), *petition for review dismissed sub nom. Spectrum Five LLC v. FCC*, Nos. 13-1231 & 1232 (D.C. Cir. July 11, 2014); *SES Americom, Inc.*, Memorandum Opinion and Order, 20 FCC Rcd 436, ¶ 8 (IB 2005) ("*SES Americom*"); *PanAmSat Licensee Corp.*, Order and Authorization, 19 FCC Rcd 2012, ¶ 11 (IB 2004).

¹² See *EchoStar STA Order* ¶ 9.

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 3 at all times.
3. EchoStar will maintain EchoStar 3 at 86.4° W.L. with an east-west longitudinal station-keeping tolerance of +/-0.05 degree.
4. In connection with the provision of service in any particular country, EchoStar will comply with the applicable laws, regulations, rules, and licensing procedures of that country.
5. During drift operations, all transponders other than TT&C transponders will be turned off.