

EXHIBIT 1

APPLICATION FOR MODIFICATION (Response to FCC Form 312, Question 43)

Pursuant to 47 C.F.R. § 25.117, EchoStar Satellite Operating Corporation and EchoStar Operating L.L.C. (together with their affiliates, “EchoStar”) request to modify the licenses of (i) the EchoStar 3 satellite (Call Sign S2741) to permit its relocation to 86.4° W.L. for regular operations; and (ii) certain earth stations in Blackhawk, South Dakota (Call Signs E020248 and E150098), and Gilbert, Arizona (Call Sign E010242) to add EchoStar 3 at 86.4° W.L. as a point of communications for telemetry, tracking, and control (“TT&C”).¹

The primary feeder link site is expected to be located in Colombia. The TT&C earth stations will be located at EchoStar’s satellite control facilities in Blackhawk, SD, and Gilbert, AZ. EchoStar 3 will operate at 86.4° W.L. on a regular basis in accordance with the United Kingdom’s filings with the International Telecommunication Union (“ITU”) for the IOMSAT-S21 network. The accompanying Schedule S and Technical Annex contain the technical and orbital debris mitigation information required under 47 C.F.R. § 25.114.

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 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 years.² Until just a few years ago, EchoStar 3 provided capacity for service (via DISH Network

¹ EchoStar concurrently is filing applications for special temporary authority (“STA”) to move and operate EchoStar 3 at 86.4° W.L., as well as to operate the above-referenced earth stations for TT&C and feeder link communications (“STA Applications”).

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

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.

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. to continue the globalization of its services by developing new services to the Colombian, maritime, and other foreign markets. As demonstrated in Section II below, the proposed operations will provide substantial public interest benefits.

Following a brief temporary period, EchoStar 3 will operate in accordance with the United Kingdom's ITU filings for the IOMSAT-S21 network on a regular basis. EchoStar 3 will remain a U.S.-licensed satellite operating under FCC jurisdiction. As licensee of the satellite, EchoStar will continue to maintain operational control of EchoStar 3 at all times.⁵

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).

⁵ To the extent required, EchoStar requests that the Commission initiate an exchange of letters with the United Kingdom confirming the proposed operations of EchoStar 3, a U.S.-licensed satellite, under U.K. ITU filings.

II. THE PROPOSED OPERATIONS WILL SERVE THE PUBLIC INTEREST

EchoStar 3's operations at 86.4° W.L. 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."⁶ Thus, the Commission "will generally grant a [satellite] licensee's request to modify its system, provided there are no compelling countervailing public interest considerations."⁷

Additionally, the Commission has found that the public interest is served by "expanding the presence of U.S. satellite operators in Latin America."⁸ 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[d] 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.⁹

Here, EchoStar 3's operations at 86.4° W.L. will allow EchoStar, a U.S. company, to expand its presence in the Colombian, maritime, and other foreign markets, thus strengthening its

⁶ *AMSC Subsidiary Corporation*, Order and Authorization, 13 FCC Rcd 12316, 12318 ¶ 8 (IB 1998).

⁷ *Id.*; see also *SES Americom, Inc.*, Order and Authorization, 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").

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

⁹ See *Domestic Fixed Satellites and Separate Int'l Satellite Sys.*, Report and Order, 11 FCC Rcd 2429, 2439 ¶ 67 (1996).

competitiveness and ability to create jobs and contribute to U.S. economic growth. Moreover, the proposed operations will serve the public interest by permitting development of an orbital location for potential new services that otherwise would not be available to the public.¹⁰ The proposed operations also will allow 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.¹¹

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 operations will cause no harmful interference to other authorized services, as demonstrated in the attached Technical Annex.

III. OPERATIONAL PARAMETERS

EchoStar will operate EchoStar 3 at the 86.4° W.L. orbital location subject to the conditions typically imposed on U.S.-licensed satellites operating in accordance with non-U.S. ITU filings. These conditions include the following:

1. EchoStar will maintain full operational control of EchoStar 3 at all times.
2. EchoStar will maintain EchoStar 3 at the 86.4° W.L. orbital location with an east-west longitudinal station-keeping tolerance of +/-0.05 degree.

¹⁰ 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); *PanAmSat Licensee Corp.*, Order and Authorization, 19 FCC Rcd 2012, ¶ 11 (IB 2004).

¹¹ See *EchoStar STA Order*, 28 FCC Rcd at 4232 ¶ 9.

3. 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.

Further, EchoStar is willing to accept an additional condition that would prohibit using EchoStar 3's operations at 86.4° W.L. to bring into use the IOMSAT-S21 network under ITU rules. Although such condition of license is not required under the FCC's rules and policies, EchoStar is offering to accept such condition to facilitate prompt approval of this application and avoid any doubts as to the public interest objectives of its proposed operations.