

## **EXHIBIT 1**

### **DESCRIPTION OF PROPOSED 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 12 satellite (Call Sign S2653) to permit its relocation to 86.4° W.L. for regular operations; and (ii) certain earth stations in Blackhawk, South Dakota (Call Sign E020248), and Quicksburg, Virginia (Call Sign E070273) to add EchoStar 12 at 86.4° W.L. as a point of communications for telemetry, tracking, and control (“TT&C”).<sup>1</sup>

The primary feeder link site is expected to be located in Colombia. TT&C earth stations will be located at EchoStar’s satellite control facilities in Blackhawk, SD, and Quicksburg, VA. EchoStar 12 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 technical and orbital debris mitigation information required under 47 C.F.R. § 25.114.

#### **I. BACKGROUND**

Launched in July 2003,<sup>2</sup> the EchoStar 12 satellite is capable of operating in the 17.3-17.8 GHz broadcast-satellite service (“BSS”) feeder uplink (ITU Appendix 30A) and 12.2-12.7 GHz BSS downlink (ITU Appendix 30) bands. In 2014, the Commission extended EchoStar 12’s

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<sup>1</sup> EchoStar concurrently is filing applications for special temporary authority (“STA”) to move another satellite, EchoStar 3, to 86.85° W.L., as well as to operate certain earth stations for associated TT&C communications.

<sup>2</sup> See Letter from Benjamin J. Griffin, Counsel for Rainbow DBS Company LLC, to Marlene H. Dortch, Secretary, FCC, IBFS File No. SAT-MOD-20020408-00062 (Oct. 16, 2003).

license term for an additional 9 years until July 31, 2022.<sup>3</sup> For the past several years, EchoStar 12 has been operating as an in-orbit spare at the 61.5° W.L. orbital cluster, providing backup capacity for service (via DISH Network Corporation) to millions of satellite television subscribers.

EchoStar 12 currently operates as an in-orbit spare at 61.2° W.L. on a regular basis, pursuant to notification under 47 C.F.R. § 25.118(e).<sup>4</sup> The satellite is capable of safe transition to, and operation from, the 86.4° W.L. orbital location utilizing the mission described for service.

Based on market analysis and assessment of EchoStar 12'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.

EchoStar 12 will operate in accordance with the United Kingdom's ITU filings for the IOMSAT-S21 network on a regular basis. EchoStar 12 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 12 at all times.<sup>5</sup>

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

EchoStar 12'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

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<sup>3</sup> See EchoStar, Stamp Grant, IBFS File No. SAT-MOD-20130905-00113 (Feb. 27, 2014).

<sup>4</sup> See Letter from Jennifer L. Larson, EchoStar, to Marlene H. Dortch, Secretary, FCC, IBFS File No. SAT-MOD-20130905-00113 (Sept. 2, 2016);

<sup>5</sup> To the extent required, EchoStar requests that the Commission initiate an exchange of letters with the United Kingdom confirming the proposed operations of EchoStar 12, a U.S.-licensed satellite, under U.K. ITU filings.

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>

Additionally, the Commission has found that 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[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.<sup>9</sup>

Here, EchoStar 12’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 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

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

<sup>7</sup> *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”).

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

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

location for potential new services that otherwise would not be available to the public.<sup>10</sup> The proposed operations also will allow more productive use of EchoStar 12, which currently serves as a secondary back-up satellite at the 61.2° W.L orbital location, for development of new services to the public.<sup>11</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 operations will cause no harmful interference to other authorized services, as demonstrated in the attached Technical Annex.

### **III. OPERATIONAL PARAMETERS**

EchoStar will operate EchoStar 12 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 12 at all times.
2. EchoStar will maintain EchoStar 12 at the 86.4° W.L. orbital location with an east-west longitudinal station-keeping tolerance of +/-0.05 degree.
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 12's operations at 86.4° W.L. to bring into use the IOMSAT-S21 network under ITU

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<sup>10</sup> 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).

<sup>11</sup> See *EchoStar STA Order*, 28 FCC Rcd at 4232 ¶ 9.

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.