

EXHIBIT 1

DESCRIPTION OF PROPOSED MODIFICATION (Response to Question 43)

Pursuant to Section 25.117 of the Commission's rules,¹ EchoStar Operating L.L.C. ("EchoStar") requests to modify the license of an earth station in Quicksburg, VA (Call Sign E170094) to add the EchoStar 23 satellite at 72.6° W.L. as a point of communications for telemetry, tracking, and control ("TT&C") and feeder link communications.²

Launched in March 2017, EchoStar 23 is a Brazilian-licensed Ku-band Broadcasting-Satellite Service ("BSS") satellite currently operating at 44.9° W.L. Despite initial plans to operate EchoStar 23 to provide direct-to-home ("DTH") television service to Brazil, EchoStar has determined that the satellite will be better utilized at the 72.6° W.L. orbital location, in conjunction with the Canadian-licensed Nimiq 5 satellite at 72.7° W.L., to support ongoing DTH service for DISH Network, L.L.C.'s ("DISH") satellite television network. Accordingly, the requested modification will allow regular operations of EchoStar 23 at 72.6° W.L. for service to DISH subscribers in the United States and Canada.³

For TT&C and feeder link communications with EchoStar 23, the subject earth station will operate on the following frequencies, consistent with the frequency bands and other technical parameters specified under its existing license:

¹ See 47 C.F.R. § 25.117.

² EchoStar is concurrently filing applications for special temporary authority to operate the subject earth station for TT&C and feeder link communications with EchoStar 23 during its relocation to, and operations at, the 72.6° W.L. orbital location. EchoStar also has pending STA and modification applications to operate four additional earth stations in Cheyenne, WY, Blackhawk/Summerset, SD, and Gilbert, AZ (Call Signs E980005, E020248, E150098, and E070014) for TT&C and feeder link communications with EchoStar 23. See EchoStar, Applications for STA, IBFS File Nos. SES-STA-20190214-00097 *et seq.* (Feb. 14, 2019); EchoStar, Applications for Modification, IBFS File Nos. SES-MFS-20190214-00088 *et seq.* (Feb. 14, 2019).

³ A modification application will be filed shortly for blanket licensing authority to operate receive-only U.S. earth stations for reception of service from the EchoStar 23 satellite at 72.6° W.L.

- 17.300 – 17.310 GHz and 17.791 GHz for TT&C uplinks;
- 12.200 – 12.210 GHz for TT&C downlinks; and
- 17.300 – 17.800 GHz for feeder uplinks.

The subject earth station has been frequency coordinated over a geostationary satellite arc that includes the 72.6° W.L. orbital location. Thus, the proposed operations will not cause harmful interference to other authorized operations.⁴

The proposed operations will serve the public interest by allowing EchoStar the flexibility to manage its satellite fleet efficiently, provide for more productive use of its satellites, and further ensure full use of spectrum and uninterrupted service from the nominal 72.6° W.L. orbital location. Indeed, the Commission has a longstanding policy of leaving fleet management decisions to satellite operators because doing so generally serves the public interest.⁵ Specifically, the Commission has determined that a 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 Consequently, consistent with its rules and policies, the Commission should grant the proposed modification to add

⁴ Additionally, the proposed operations are substantially consistent with Section 25.118(a)(3) of the Commission’s rules, allowing earth station operators to change a satellite point of communication without prior authorization under certain circumstances when an earth station antenna is not repointed beyond the coordinated range. See 47 C.F.R. § 25.118(a)(3).

⁵ See *SES Americom, Inc.*, Order and Authorization, 21 FCC Rcd. 3430, 3433 (2006) (“*SES Americom*”); *AMSC Subsidiary Corporation*, Order and Authorization, 13 FCC Rcd 12316, 12318 (IB 1998) (“*AMSC*”).

⁶ *AMSC* ¶ 8.

⁷ *Id.*; see also *SES Americom* ¶ 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”).

EchoStar 23 as a point of communications at the 72.6° W.L. orbital location for TT&C and feeder link communications required for service to U.S. and Canadian consumers.