

## EXHIBIT 1

### APPLICATION FOR MODIFICATION (Response to Question 43)

Pursuant to Section 25.117 of the Commission's rules,<sup>1</sup> EchoStar Satellite Operating Corporation and EchoStar Broadcasting Corporation (together with their affiliates, "EchoStar") request to modify: (1) the license of the EchoStar 3 satellite (Call Sign S2741) to permit its operations at the 86.4° W.L. orbital location; and (2) the licenses of certain earth stations (Call Sign E080120, E010242, E020248, E980005 and E070014) to add EchoStar 3 at the 86.4° W.L. orbital location as a point of communication for telemetry, tracking, and control ("TT&C"). The primary feeder link site is expected to be located in Santiago, Chile. The TT&C earth stations will be located at EchoStar's satellite control facilities in Cheyenne, WY, Gilbert, AZ, and Blackhawk, SD. EchoStar 3 will operate at the 86.4° W.L. orbital location in accordance with the United Kingdom's filings with the International Telecommunication Union ("ITU") for the IOMSAT-S21 network at that location. The attached Schedule S and Technical Annex contain the technical and orbital debris mitigation information required under Section 25.114 of the Commission's rules.<sup>2</sup>

#### I. BACKGROUND

Launched in 1998, the EchoStar 3 satellite is capable of operating across all 32 ITU-allocated Broadcasting Satellite Service ("BSS") channels. In 2008, the Commission extended EchoStar 3's license term for an additional 10 years.<sup>3</sup> Until recently, EchoStar 3 has provided

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<sup>1</sup> See 47 C.F.R. § 25.117.

<sup>2</sup> See 47 C.F.R. § 25.114.

<sup>3</sup> See EchoStar, Stamp Grant, IBFS File No. SAT-MOD-20071212-00173 (April 3, 2008).

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 an STA.<sup>4</sup>

EchoStar 3 remains in good health and currently operates in an inclined orbit.<sup>5</sup> All critical systems are functioning with at least one level of redundancy, and all 32 BSS channels are accessible by the communications payload. 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 and innovative services to the Chilean and maritime markets. These opportunities include developing video and mobile services to mobile consumers, including those on maritime vessels and land vehicles. As demonstrated below, the proposed operations will provide substantial public interest benefits for the United States and Chile, and will enable EchoStar to explore and develop an existing resource before constructing and deploying a new satellite.

While at 86.4° W.L., EchoStar 3 will operate in accordance with the IOMSAT-S21 ITU filings and any associated coordination agreements, but 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.

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<sup>4</sup> See EchoStar, Stamp Grant, IBFS File No. SAT-STA-20140106-00003 (Jan. 26, 2014); *Policy Branch Information: Satellite Space Applications Accepted for Filing*, Public Notice, Report No. SAT-01028 (July 18, 2014) (accepting EchoStar 3 STA extension request, IBFS File No. SAT-STA-20140624-00078).

<sup>5</sup> 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).

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

EchoStar 3's operations at 86.4° W.L. will offer substantial public interest benefits for the U.S., Chilean, and maritime markets. 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."<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 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 3's operations at 86.4° W.L. will allow EchoStar, a U.S. company, to expand its presence in the Chilean and maritime markets, thus strengthening its competitiveness

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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).

and ability to create jobs and contribute to U.S. economic growth. The proposed operations also will bolster EchoStar's ability to (i) expand the market for U.S. programming, thus further contributing to U.S. economic growth; and (ii) import Spanish-language programming to the United States.

Furthermore, the proposed operations will permit development of new and competitive services, such as mobile direct-to-home services to underserved Chilean and maritime markets,<sup>10</sup> resulting in substantial consumer and economic benefits for those markets.

Moreover, the proposed operations will serve the public interest by permitting development of an unused orbital location for potential new services that otherwise would not be available to the public.<sup>11</sup> The proposed operations also will allow EchoStar to place the EchoStar 3 satellite, which currently serves as a secondary back-up satellite at the 61.8° W.L orbital location, into more productive use for the development of new services to the public.<sup>12</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.

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<sup>10</sup> EchoStar is in the process of applying for the appropriate authorizations in Chile to support this service.

<sup>11</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>12</sup> *EchoStar STA Order*, 28 FCC Rcd at 4232 ¶ 9.

### **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.
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.