

EXHIBIT 1

NOTIFICATION OF MODIFICATION AND WAIVER REQUEST (Response to FCC Form 312, Question 43)

Pursuant to 47 C.F.R. § 25.118(a)(4)(vi), EchoStar Operating L.L.C. (“EOL”) notifies the Commission of a minor correction to the geographic coordinates authorized under the licenses for certain fixed earth station antennas listed in Attachment A. As indicated in Attachment A, the corrected earth station locations are less than one second in latitude or longitude away from their authorized geographic coordinates, thus qualifying under 47 C.F.R. § 25.118(a)(4)(vi) as permitted changes not requiring prior Commission approval.

During a review of its licensing records, EOL recently determined that the subject earth station antennas had been inadvertently installed less than one second in latitude or longitude away from their authorized geographic coordinates. Accordingly, EOL requests a waiver, to the extent required, of 47 C.F.R. § 25.118(a)’s requirement to file a notification within 30 days of a permitted change from the originally authorized geographic coordinates. A waiver of the Commission’s rules is warranted upon a showing of “good cause,”¹ and may be granted if it “would not undermine the policy objective of the rule in question and would otherwise serve the public interest.”² Here, grant of the requested waiver is consistent with the apparent underlying policy objectives to maintain the accuracy of the Commission’s licensing records and allow licensees some flexibility in operating their earth stations without causing harmful interference to other authorized users. EOL to date has not received any complaints of harmful interference resulting from operations at the existing earth station location, and any lack of notification to the Commission of the minor change in earth station location has not resulted in any apparent harm. The requested waiver grant also will serve the public interest by allowing existing earth station operations to continue without service interruptions. Thus, grant of the requested waiver is warranted here.

¹ 47 C.F.R. § 1.3; *see also* *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

² *See, e.g., EchoStar KuX Corp. Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 83° W.L. Orbital Location*, Order and Authorization, 20 FCC Rcd 919, ¶ 12 (2004) (Commission granted waiver for “good cause shown”).

ATTACHMENT A

EOL EARTH STATION ANTENNA SITES

Call Sign	Antenna ID (Site ID)	City/State Location	Licensed Coordinates (Lat./Long.)		Actual Coordinates (Lat./Long.)		Variance (Lat./Long.)
E010242	1 (1)	Gilbert, AZ	33° 21' 59.9" N	111° 48' 51.6" W	33° 21' 59.9" N	111° 48' 51.0" W	0.0" / 0.6"
E060003	GD3 (GD3)	Gilbert, AZ	33° 21' 53.6" N	111° 48' 53.6" W	33° 21' 53.6" N	111° 48' 53.1" W	0.0" / 0.5"
E060003	GD4 (GD4)	Gilbert, AZ	33° 21' 53.6" N	111° 48' 53.6" W	33° 21' 53.6" N	111° 48' 53.8" W	0.0" / 0.2"
E080120	D1 (D1)	Cheyenne, WY	41° 7' 54.4" N	104° 44' 13.0" W	41° 07' 54.4" N	104° 44' 12.4" W	0.0" / 0.6"
E080120	D2 (D2)	Cheyenne, WY	41° 7' 54.4" N	104° 44' 13.0" W	41° 07' 54.4" N	104° 44' 13.1" W	0.0" / 0.1"