

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), HNS License Sub, LLC (“HNS”) notifies the Commission of a minor correction to the geographic coordinates authorized under the licenses for certain fixed earth station listed in Attachment A. As indicated in Attachment A, the corrected earth station locations are either (i) within one second (with respect to spectrum shared with terrestrial systems) or (ii) within 10 seconds (with respect to spectrum *not* shared with terrestrial systems), in latitude or longitude away from their originally 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, HNS 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, HNS 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. HNS to date has not received any complaints of harmful interference resulting from operations at the existing earth station locations, 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

HNS EARTH STATION ANTENNA SITES

Call Sign	Antenna ID (Site ID)	City/State Location	Licensed Coordinates (Lat./Long.)		Actual Coordinates (Lat./Long.)		Variance (Lat./Long.)
E000166	HubD 7.6M (HUB-D 7.6M)	Germantown, MD	39° 10' 42.0" N	77° 14' 53.0" W	39° 10' 43.6" N	77° 14' 53.3" W	1.6" / 0.3"
E000166	HubF 5.6M (HUB-F 5.6M)	Germantown, MD	39° 10' 46.0" N	77° 14' 54.0" W	39° 10' 46.8" N	77° 14' 47.5" W	0.8" / 6.5"
E000166	HubG 4.6M (HUB-G 4.6M)	San Diego, CA	32° 54' 31.0" N	177° 11' 26.0" W	32° 54' 28.4" N	177° 11' 26.6" W	2.6" / 0.6"
E000166	HubA7.6M (HUB-A)	Germantown, MD	39° 10' 49.0" N	77° 14' 47.0" W	39° 10' 48.8" N	77° 14' 46.8" W	0.2" / 0.2"
E000166	HubB7.6 (HUB-B)	Germantown, MD	39° 10' 46.0" N	77° 14' 41.0" W	39° 10' 45.5" N	77° 14' 41.2" W	0.5" / 0.2"
E000166	HubC 7.6M (HUB-C 7.6M)	Germantown, MD	39° 10' 43.0" N	77° 14' 51.0" W	39° 10' 43.7" N	77° 14' 50.3" W	0.7" / 0.7"
E000166	HubE 6.1M (HUB-E6.1M)	Germantown, MD	39° 10' 46.0" N	77° 14' 49.0" W	39° 10' 46.0" N	77° 14' 48.2" W	0.0" / 0.8"
E990170	HUB-C (HUB-C)	Southfield, MI	42° 28' 0.0" N	83° 13' 53.0" W	42° 28' 1.0" N	83° 13' 53.2" W	1.0" / 0.2"
E990170	HUB-A (HUB-A)	Southfield, MI	42° 28' 0.0" N	83° 13' 53.0" W	42° 28' 0.5" N	83° 13' 53.0" W	0.5" / 0.0"
E990170	HUB-B (HUB-B)	Southfield, MI	42° 28' 0.0" N	83° 13' 53.0" W	42° 28' 0.6" N	83° 13' 53.5" W	0.6" / 0.5"
E060382	CKa11 (Castle Rock Station)	Castle Rock, CO	39° 16' 35.0" N	104° 48' 29.0" W	39° 16' 34.34" N	104° 48' 39.0" W	0.6" / 10"
E060382	CR 2 (Castle Rock 2)	Castle Rock, CO	39° 16' 35.0" N	104° 48' 29.0" W	39° 16' 34.30" N	104° 48' 29.60" W	0.7" / 0.6"
E060382	NLV-1 (NLV-1)	North Las Vegas, NV	36° 14' 12.0" N	115° 7' 3.0" W	36° 14' 11.7" N	115° 7' 4.1" W	0.3" / 1.1"
E060383	1 (Fillmore Station)	Fillmore, CA	34° 24' 18.0" N	118° 53' 39.0" W	34° 24' 16.3" N	118° 53' 38.3" W	1.7" / 0.7"

E150080	1 (1)	North Platte, NE	41° 5' 26.9" N	100° 45' 10.8" W	41° 5' 26.85" N	100° 45' 11.32" W	0.05" / 0.52"
E8454	1 (1)	Dayton, OH	39° 47' 1.6" N	84° 4' 51.4" W	39° 47' 1.7" N	84° 4' 51.2" W	0.1" / 0.2"
E090178	1 (1)	Columbia, SC	33° 59' 59.5" N	81° 1' 28.4" W	33° 59' 59.4"N	81° 01' 28.1"W	0.1" / 0.3"
E150083	1 (1)	Amarillo, TX	35° 12' 16.6" N	101° 49' 55.2" W	35° 12' 16.8"N	101° 49' 55.8"W	0.2" / 0.6"
E150084	1 (1)	Albuquerque, NM	35° 5' 32.3" N	106° 39' 10.8" W	35° 05' 32.2"N	106° 39' 11.5"W	0.1" / 0.7"
E150090	1 (1)	Boise, ID	43° 36' 27.7" N	116° 18' 36.0" W	43° 36' 27.5"N	116° 18' 35.5"W	0.2" / 0.5"
E150092	1 (1)	Billings, MT	45° 46' 6.9" N	108° 32' 27.6" W	45° 46' 07.3"N	108° 32' 28.4"W	0.4" / 0.8"
E150136	1 (1)	Eugene, OR	44° 5' 29.7" N	123° 3' 38.0" W	44° 05' 29.7"N	123° 03' 38.6"W	0.0" / 0.6"
E940441	1 (1)	Oklahoma City, OK	35° 24' 2.8" N	97° 37' 11.4" W	35° 24' 2.9" N	97° 37' 11.8" W	0.1" / 0.4"