

EXHIBIT 1

APPLICATION FOR MODIFICATION AND WAIVER REQUEST (Response to FCC Form 312, Question 43)

Pursuant to 47 C.F.R. § 25.117, EchoStar Operating L.L.C. (“EOL”) seeks a minor modification of its licenses for certain fixed earth station antennas listed in Attachment A to correct the authorized geographic coordinates. As indicated in Attachment A, the corrected earth station locations are either (i) 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 a permitted change not requiring prior Commission approval; or (ii) less than three seconds in latitude or longitude away from their authorized geographic coordinates, thus exceeding the one-second variance permitted under 47 C.F.R. § 25.118(a)(4)(vi) and requiring prior Commission approval. Other than the proposed change in authorized geographic coordinates, EOL certifies under 47 C.F.R. § 25.117(c) that the remaining license information has not changed.

During a review of its license records, EOL recently determined that the subject earth station antennas had been inadvertently installed at locations less than three seconds in latitude or longitude away from their authorized geographic coordinates. To the extent required, EOL requests a waiver of 47 C.F.R. § 25.117(a)’s prior approval requirement to permit operations at such minor variance.

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 As noted above, the existing earth station locations are less than 3 seconds in latitude or longitude away from their authorized geographic coordinates. Such *de minimis* variance is not substantially different from other earth station location changes permitted without prior Commission authorization under 47 C.F.R. § 25.118(a)(4)(vi). Moreover, EOL to date has not received any complaints of harmful interference resulting from operations at the existing earth station locations. Additionally, Attachment B contains Comsearch frequency coordination reports showing successful coordination at the existing earth station locations with nearby authorized terrestrial operations.

Thus, grant of the requested waiver is consistent with the apparent underlying policy objectives to maintain the accuracy of the Commission’s licensing records and prevent harmful interference to other authorized users. The requested waiver grant also will serve the public interest by allowing existing earth station operations to continue without service interruptions. Accordingly, HNS urges prompt Commission approval of its proposed minor modification, along with the requested waiver, to the extent required.

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.)
E020248	BH13 (BH)	Blackhawk, SD	44° 11' 14.2" N	103° 20' 7.5" W	44° 11' 15.3"N	103° 20' 9.7"W	1.1" / 2.2"
E020248	BH8 (BH)	Blackhawk, SD	44° 11' 14.2" N	103° 20' 7.5" W	44° 11' 15.3"N	103° 20' 9.7"W	1.1" / 2.2"
E070273	VAD 3 (VAD 3)	Quicksburg, VA	38° 43' 24.3" N	78° 40' 0.2" W	38° 43' 24.6" N	78° 40' 1.4" W	0.3" / 1.2"
E070273	VAD 1 (VAD 1)	Quicksburg, VA	38° 43' 24.3" N	78° 40' 0.2" W	38° 43' 24.2" N	78° 40' 0.4" W	0.1" / 0.2"
E070275	WAD 3 (WAD 3)	Spokane, WA	47° 35' 33.8" N	117° 33' 4.0" W	47° 35' 33.5" N	117° 33' 5.1" W	0.3" / 1.1"
E070275	WAD 1 (WAD 1)	Spokane, WA	47° 35' 33.8" N	117° 33' 4.0" W	47° 35' 33.7" N	117° 33' 4.1" W	0.1" / 0.1"
E150098	1 (1)	Summerset, SD	44° 11' 14.2" N	103° 20' 7.5" W	44° 11' 14.4" N	103° 20' 9.6" W	0.2" / 1.1"