

EXHIBIT 1

DESCRIPTION OF PROPOSED MODIFICATION (Response to Question 43, Form 312)

Pursuant to Section 25.117(e) of the Commission's rules,¹ HNS License Sub, LLC (together with its affiliates, "Hughes") requests modification, to the extent required, of the below-listed licenses for gateway earth stations ("Earth Stations") communicating with EchoStar XXIV (also known as "Jupiter 3"), a Ka- and Q/V-band geostationary orbit satellite authorized to provide fixed satellite service, to provide a partial waiver of Section 25.133(a)(2)'s construction requirement.²

Call Sign	IBFS File Number	Location	Required Completion Date
E170153	SES-MOD-20210223-00386 SES-MOD-20201204-01308 (pending)	Quincy, WA	December 31, 2021
E170164	SES-MOD-20210223-00384 SES-AMD-20210128-00165 (pending) SES-MOD-20201204-01306 (pending)	Cheyenne, WY	December 31, 2021
E170165	SES-MOD-20210201-00195 SES-MOD-20201204-01309 (pending)	Lindon, UT	December 31, 2021
E170169	SES-MOD-20210223-00388 SES-MOD-20201204-01310 (pending)	Bismarck, ND	December 31, 2021

Hughes previously submitted a timely certification of construction completion of the Earth Stations, along with a request for a partial waiver of Section 25.133's construction requirement to allow construction and operation, as proposed under the above-referenced pending modification applications for site relocation and other minor technical changes.³ In an abundance of caution, Hughes reiterates its waiver request and seeks modification of these Earth

¹ See 47 C.F.R. § 25.117(e).

² See *id.* § 25.133(a)(2).

³ See Letter from Jennifer A. Manner, Hughes, to Marlene H. Dortch, Secretary, FCC, IBFS File Nos. SES-MOD-20210223-00386 *et al.* (Dec. 30, 2021).

Station licenses to allow construction and operation at the proposed gateway sites upon Commission approval of the pending modification applications.

The Commission may waive its rules for good cause, which may be found when: (i) particular facts would make strict compliance inconsistent with the public interest; and (ii) grant of a waiver will not undermine the policy objectives of the rule.⁴ Both prongs are met here.

Specifically, strict compliance would be contrary to the public interest by undercutting substantial consumer benefits resulting from successful launch of the EchoStar XXIV satellite network. Additionally, grant of the requested waiver will not undermine the rule's policy objectives of ensuring prompt deployment of service and preventing spectrum warehousing. As previously certified, Hughes has completed construction and testing of the Earth Stations and stands ready to commence operation as soon as the Commission authorizes the proposed minor modifications.⁵ Accordingly, the Commission should grant a partial waiver, to the extent required, of Section 25.133(a)(2)'s construction requirement.

⁴ See 47 C.F.R. § 1.3; see also *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969).

⁵ See *supra* n.3.

DECLARATION

On behalf of HNS License Sub, LLC (“Hughes”), I declare under penalty of perjury that the following is true and correct to the best of my current knowledge, information, and belief:

- 1) the requested extension of time is warranted due to unforeseeable circumstances beyond Hughes’ control, including disruptions caused by the COVID-19 pandemic and other manufacturing delays, as detailed in the foregoing Exhibit 1; and
- 2) the requested extension of time is further warranted due to unique and overriding public interest considerations, as detailed in the foregoing Exhibit 1.

/s/ Jennifer A. Manner
Jennifer A. Manner
Senior Vice President, Regulatory Affairs

Date: December 13, 2022