

EXHIBIT 1

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

Pursuant to 47 C.F.R. § 25.117, AT&T Corp. (“AT&T”) seeks modification of its Triunfo Pass earth station (Call Sign E980066) to replace the existing C-band antenna with an antenna capable of operating on both C-band and Ku-band frequencies, to add conventional Ku-band and extended Ku-band frequencies to the current authorization, and to correct the authorized geographic coordinates. AT&T is also updating its contact information for the site. AT&T certifies under 47 C.F.R. § 25.117(c) that the remaining license information has not changed, and such information is incorporated by reference. To the extent necessary, AT&T requests a waiver of the requirement to provide a frequency coordination report for the corrected geographic coordinates.

Correction of Geographic Coordinates

During a review of its license records, AT&T recently determined that the authorized geographic coordinates (latitude and/or longitude specified in NAD-83) differed by more than one second from the actual location of the earth station antenna identified by Google Earth WGS84. Specifically, the authorized NAD-83 geographic coordinates of the earth station are 34° 4’ 52.6” N, 118° 53’ 52.9” W. The actual WGS84 geographic coordinates of the earth station are 34° 4’ 53.0” N, 118° 53’ 49.3” W. To the extent required, AT&T requests a waiver of 47 C.F.R. § 25.117(a)’s prior approval requirement to permit operations at such minor variance. The corrected earth station site location exceeds the one-second variance permitted under 47 C.F.R. § 25.118(a)(4)(vi).

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 The existing earth station site is less than one second away in latitude and less than four seconds away in longitude from ITS-authorized geographic coordinates. Such *de minimis* variance is not substantially different from other earth station location changes permitted without prior Commission approval under 47 C.F.R. § 25.118(a)(4)(vi). Moreover, AT&T to date has not received any complaints of harmful interference resulting from operations at the existing earth station location.

Thus, grant of the requested waiver is consistent with underlying policy objectives to maintain the accuracy of the Commission’s licensing records and prevent harmful interference to other authorized users. The requested grant also will serve the public interest by allowing existing earth station operations to continue without service interruptions. Accordingly, AT&T 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, 1159 (D.C. Cir. 1969).

² *DIRECTV Enterprises, LLC Application for Milestone Extension for DIRECTV RB-2*, Order, 30 FCC Rcd 4796, ¶ 5 (2015).