

## EXHIBIT 1

### APPLICATION FOR RENEWAL OF SPECIAL TEMPORARY AUTHORITY (Response to Question 43)

Pursuant to Section 25.120(b)(3) of the Commission's rules,<sup>1</sup> EchoStar Satellite Operating Corporation and EchoStar Broadcasting Corporation (collectively, "EchoStar") request to renew their special temporary authorizations ("STAs") for 60 days – until September 24, 2014 – to operate: (i) the EchoStar 6 satellite at 96.2° W.L. (Call Sign S2232); (ii) two earth stations to provide telemetry, tracking, and control ("TT&C") communications with EchoStar 6 at 96.2° W.L. (Call Signs E020306 and E080120); and (iii) an earth station to provide TT&C and feeder link communications with EchoStar 6 at 96.2° W.L. (Call Sign E070273).<sup>2</sup> EchoStar's license modification applications for regular authority to operate EchoStar 6 at 96.2° W.L. and the three related earth stations remain pending before the Commission.<sup>3</sup>

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<sup>1</sup> See 47 C.F.R. § 25.120(b)(3).

<sup>2</sup> See *EchoStar Satellite Operating Company*, Order and Authorization, 28 FCC Rcd 4229 (IB 2013) ("EchoStar 6 STA Order"), *aff'd*, 28 FCC Rcd 10412 (2013) ("EchoStar MO&O"), *aff'd sub nom. Spectrum Five LLC v. FCC*, Nos. 13-1231 & 1232 (D.C. Cir. July 11, 2014); *Satellite Communications Services Information re: Actions Taken*, Public Notice, Report No. SES-01540, at 25 (Apr. 3, 2013). EchoStar's prior requests to renew the existing STAs to operate EchoStar 6 at 96.2° W.L. and the three related earth stations until July 26, 2014, remain pending before the Commission. See EchoStar Applications for STA Renewal, IBFS File Nos. SAT-STA-20130510-00067, SES-STA-20130510-00382, SES-STA-20130510-00383, and SES-STA-20130510-00384 (May 10, 2013); IBFS File Nos. SAT-STA-20130716-00093, SES-STA-20130716-00634, SES-STA-20130716-00635, and SES-STA-20130716-00636 (July 16, 2013); IBFS File Nos. SAT-STA-20130912-00115, SES-STA-20130912-00797, SES-STA-20130912-00798, and SES-STA-20130912-00799 (Sept. 12, 2013); IBFS File Nos. SAT-STA-20131113-00131, SES-STA-20131113-00970, SES-STA-20131113-00971, and SES-STA-20131113-00977 (Nov. 13, 2013); IBFS File Nos. SAT-STA-20140113-00004, SES-STA-20140113-00018, SES-STA-20140113-00019, and SES-STA-20140113-00020 (Jan. 13, 2014); IBFS File Nos. SAT-STA-20140314-00031, SES-STA-20140314-00141, SES-STA-20140314-00142, and SES-STA-20140314-00143 (Mar. 14, 2014); IBFS File Nos. SAT-STA-20140513-00050, SES-STA-20140513-00939, SES-STA-20140513-00940, and SES-STA-20140513-00941 (May 13, 2014).

<sup>3</sup> See *Policy Branch Information: Satellite Space Applications Accepted for Filing*, Public Notice, Report No. SAT-00946, at 1 (May 3, 2013) (accepting File Nos. SAT-MOD-20130227-00026 and SAT-AMD-20130429-00063); *Satellite Communications Services re: Satellite Radio Applications Accepted for Filing*, Public Notice, Report No. SES-01550, at 1-6 (May 8, 2013) (accepting EchoStar Applications for Modification, File Nos. SES-MFS-20130307-00232, SES-MFS-20130307-00233, and SES-MFS-20130307-00234).

## I. BACKGROUND

Prior to its relocation to 96.2° W.L., EchoStar 6 served as an important component of the EchoStar network, providing direct broadcast satellite (“DBS”) service from the nominal 77° W.L. orbital location to U.S. consumers (via DISH Network). In February 2013, a new satellite (EchoStar 16) commenced service, thus facilitating a series of fleet movements that then allowed EchoStar to consider placing EchoStar 6 into a more productive role at a new orbital location. In anticipation of EchoStar 6 potentially becoming available for use at a new orbital location, EchoStar and its customer and development partner, SES Satellites (Bermuda) Ltd. (“SES”), began evaluating the availability of unused DBS orbital locations. Specifically, EchoStar and SES focused on the potential to serve the Caribbean, Latin American, and North Atlantic markets outside the United States from the 96.2° W.L. orbital location pursuant to a U.K. filing (known as BERMUDASAT-1) with the International Telecommunication Union.

Consequently, pursuant to the existing STA granted on April 1, 2013,<sup>4</sup> EchoStar 6 was successfully repositioned to 96.2° W.L. on April 13 and is in operation there. EchoStar and SES have commenced commercial development activities to leverage this asset to serve consumers in the Atlantic Ocean region.<sup>5</sup>

On July 9, 2013, the Commission issued an order upholding the initial STA grant and denying Spectrum Five’s application for review.<sup>6</sup> On July 11, 2014, the U.S. Court of Appeals

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<sup>4</sup> See *EchoStar 6 STA Order* ¶ 1.

<sup>5</sup> On April 23, 2013, the Commission denied the request of Spectrum Five LLC (“Spectrum Five”) for a stay of the STA grant. See *EchoStar Satellite Operating Company*, Memorandum Opinion and Order, 28 FCC Rcd 5474, ¶ 1 (IB 2013) (“*EchoStar 6 Stay Denial*”).

<sup>6</sup> See *EchoStar MO&O* ¶ 1.

for the D.C. Circuit dismissed Spectrum Five’s petition for review of the STA grant for lack of standing.<sup>7</sup>

## **II. THE REQUESTED STA RENEWAL WILL SERVE THE PUBLIC INTEREST WITHOUT CAUSING HARMFUL INTERFERENCE**

Renewal of the STA grant will serve the public interest for the same reasons set forth in the initial STA request<sup>8</sup> and in the *EchoStar 6 STA Order*.<sup>9</sup> Specifically, continued STA operations will be consistent with the fleet management flexibility afforded licensees, and will allow EchoStar and SES to continue developing new markets and innovative satellite video distribution services to a diverse array of customers, including the maritime industry, in underserved markets in the Atlantic Ocean region, including Bermuda, the Caribbean, and Latin America.<sup>10</sup> Significant opportunity exists for EchoStar 6 to offer new multi-channel video services to U.S. and non-U.S. ships and vessels,<sup>11</sup> and these services can enhance ship operation and serve the unmet needs of ship crews and passengers.<sup>12</sup> Additional EchoStar 6 services also may include direct-to-home services to significant portions of the Atlantic Ocean region that have been neglected by much of the multi-channel video market.<sup>13</sup> Thus, in granting the existing STA, the Commission found that “[a]llowing satellite operations at an unused orbit location on a

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<sup>7</sup> See *Spectrum Five LLC v. FCC*, Nos. 13-1231 & 1232, at 4 (D.C. Cir. July 11, 2014).

<sup>8</sup> See EchoStar Application for STA, File No. SAT-STA-20130220-00023, at 3-5 (Feb. 20, 2013); Letter from Dean A. Manson, EchoStar, to Marlene H. Dortch, Secretary, FCC, File No. SAT-STA-20130220-00023, at 2-4 (Mar. 11, 2013) (“EchoStar March 11 Letter”).

<sup>9</sup> See *EchoStar 6 STA Order* ¶ 9; see also *EchoStar 6 Stay Denial* ¶ 18.

<sup>10</sup> See EchoStar Application for STA at 3-4; EchoStar March 11 Letter at 2-4.

<sup>11</sup> See EchoStar Application for STA at 4; EchoStar March 11 Letter at 3-4.

<sup>12</sup> See EchoStar March 11 Letter at 4.

<sup>13</sup> See EchoStar Application for STA at 4; EchoStar March 11 Letter at 4

temporary basis is in the public interest because it permits the public to receive services that would otherwise not be available.”<sup>14</sup>

At the same time, renewal of the STA grant will not cause harmful interference because EchoStar 6 will continue to be operated on an unprotected, non-harmful interference basis in accordance with the conditions set forth in the *EchoStar 6 STA Order*.<sup>15</sup> Renewal of the STA grant also is consistent with the recent court decision dismissing Spectrum Five’s challenge against the STA grant for lack of standing.

### **III. CONCLUSION**

Based upon the foregoing, EchoStar urges Commission grant of this application for renewal of its STAs to operate EchoStar 6 at 96.2° W.L. and the three related earth stations for an additional 60-day period until September 24, 2014.

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<sup>14</sup> See *EchoStar 6 STA Order* ¶ 9; see also *EchoStar 6 Stay Denial* ¶ 18 (“Because the ESOC STA Grant authorizes use and facilitates commercial development potentially leading to greater use, we believe it serves the public interest in spectrum efficiency, particularly given that there are no other imminent uses during the period of operations authorized.”).

<sup>15</sup> See *EchoStar 6 STA Order* ¶ 20.