

**DESCRIPTION OF PROPOSED MODIFICATION TO PROGRAM OF
EXPERIMENTATION AND REQUEST FOR EXPEDITED PROCESSING**

By this application, HNS License Sub, LLC (“Hughes”) proposes to modify its existing experimental license, Call Sign WE2XEW (File Nos. 0011-EX-PL-2006, 0023-EX-ML-2008, 0047-EX-ML-2008, 0097-EX-ML-2008 and 0097-EX-ML-2008), to include authority to conduct limited market studies under Section 5.93 of the FCC’s Rules. *See* 47 C.F.R. § 5.93. Hughes has customers that require or may require market-test data in connection with technical trials that are to be conducted under Hughes experimental authority, which data Hughes will use to demonstrate the potential uses and performance of mobile Earth stations, and to collect operational and engineering data regarding these uses.

Currently, Hughes is working with space segment capacity customer Row 44, Inc. (“Row 44”) in connection with the testing of a small number of Ku-band aeronautical mobile satellite service (“AMSS”) Earth stations on commercial aircraft. Experimental operations have been underway since September 2008. To date, these operations have been limited to technical performance trials involving Row 44 and airline personnel, as well as a handful of designated beta testers. Row 44 is anxious to expand the scope of this test in order to permit its airline customers to offer service on a demonstration basis to all passengers on a small number of aircraft. The purpose of this testing is to gauge the performance of the system under the demands of passenger access and to conduct surveys concerning the users’ online experience, the nature of their use of in-flight web access, and the level of passenger interest in future in-flight broadband access for a fee, including the price points at which such service would be attractive to various types of travelers.

Because Row 44 has agreements in place to conduct such tests with two airlines, Alaska Airlines (“Alaska”) and Southwest Airlines (“SWA”), using at least six aircraft (two Alaska and four SWA), Hughes seeks modification of its authority on an expedited basis to allow prompt fulfillment of these requirements. The equipment is installed on one SWA aircraft already, and the limited market study is poised to begin once permission is received. Consistent with Section 5.93(b) of the Commission’s Rules, both the airlines and the system users involved in the planned demonstrations will be clearly notified that the service being provided is being tested under an experimental authorization, offered only on a temporary basis, and has not yet received FCC approval for long-term operation.

Grant of this authority will permit Row 44 to optimize its use of the Hughes experimental license by installing Earth terminals purchased by Row 44, but remotely controlled by Hughes, on six airliners to gather critical data necessary to proceed with Row 44’s planned in-flight broadband service. This program will not only improve in-flight productivity of business travelers but generate data on how best to provide a wealth of entertainment and communications opportunities for travelers of every type, including the ability to make reservations and set up appointments in their destination city while in route. This use will promote the public interest by advancing the state-of-the art in the provision of AMSS services in the Ku-band. More broadly, grant of the minor modification proposed herein would provide important additional information gathering capability in connection with domestic testing, demonstration and training operations of mobile terminals.

Processing of this modification request does not require any technical review at all. Hughes seeks no increase in the total number of terminals operated, but simply seeks to devote six of its currently authorized terminals to this limited market study use by Row 44 on behalf of Row 44’s airline customers. The only reason that any modification of Hughes authority is

required at this time is that when it first requested this experimental license for mobile Ku-band operations, it did not specifically request authority to engage in market studies under the Rules. For this reason, the current license states that Hughes has authority pursuant to Sections 5.3(d, f & i) of the Commission's Rules, but not under Section 5.3(j) of the Rules, which allows limited market studies. *See* 47 C.F.R. § 5.3(j). At this point, however, Hughes' needs have changed, and it requests the addition of this capability to its current authorization. It seeks the addition of Section 5.3(j) authorization to its license, and the ability to conduct market studies with up to six Row 44 terminals. Hughes requests flexibility to use terminals authorized under the WE2XEW license for other limited marketing studies pursuant to Section 5.93(c). The scope of these future limited market studies will be strictly limited to a small subset of the total units authorized under this license