



Federal Communications Commission  
Washington, D.C. 20554

March 12, 2010

Bruce A. Olcott  
Squire, Sanders & Dempsey L.L.P.  
1201 Pennsylvania Avenue, N.W., Suite 500  
Washington, D.C. 20004

RE: EMS Technologies Canada, Ltd. (EMS) Request for Waiver of Part 87 Rules

Dear Mr. Olcott:

We have before us your letter, dated March 4, 2010, amended by erratum on March 9, 2010, requesting on behalf of EMS Technologies Canada, Ltd. (EMS) a waiver of certain provisions<sup>1</sup> of the Commission's Part 87 Rules to permit the certification of EMS's aeronautical-mobile satellite service transceivers HSD-128, HSD-400, HSD-440, HSD-X and HSD-Xi. You state that this equipment is used on aircraft to provide Inmarsat Classic, Swift64, and SwiftBroadband aircraft communications services. You note that previous waivers have been granted by the Commission to permit certification of identical equipment manufactured by EMS but marketed by other companies.<sup>2</sup>

We have reviewed your request, and find that grant of a waiver is warranted under the circumstances presented. Specifically, we conclude that the underlying purpose of the rules would not be served by application to the instant case, and that grant of the requested waiver would be in the public interest.<sup>3</sup> We therefore grant the waiver request, without prejudice to enforcement action.

Accordingly, pursuant to the authority contained in Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331, the request for waiver filed by EMS Technologies Canada, Ltd. on March 4, 2010, and amended March 9, 2010, IS GRANTED without prejudice to enforcement action.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in blue ink, appearing to read "Scot Stone".

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

<sup>1</sup> Specifically, 47 C.F.R. §§ 87.131, 87.133, 87.137, 87.139(i)(1), 87.139(i)(3), 87.141(j).

<sup>2</sup> You also state that EMS's transceivers comply with ARINC Characteristics 429, 739, 600, and 741/781; RTCA DO-210; and the Satcom Minimum Operational Performance Standards; and are certified pursuant to Federal Aviation Administration Technical Standards Order authorization. Further, you state that the equipment complies with Inmarsat technical requirements and that Inmarsat has expressed support for EMS's request for waiver.

<sup>3</sup> See 47 C.F.R. § 1.925(b)(3).