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RECEIVED

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VIA HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, N.W.
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

Received

APR 13 2005

Policy Branch
International Bureau

Re: **WRITTEN EX PARTE PRESENTATION**
File No. SAT-STA-20050325-00076
Application of SES Americom, Inc. for Special Temporary Authority
To Repoint Satcom SN-4

Dear Ms. Dortch:

The Boeing Company ("Boeing") submits this letter to further supplement the record in the above-captioned application proceeding. On March 25, 2005, SES Americom, Inc. filed an application for Special Temporary Authority ("STA") requesting authority to repoint the Satcom SN-4 satellite and provide Ku-band service over water areas of International Telecommunication Union ("ITU") Region 1.¹ Grant of the STA application will enable SES Americom to provide Boeing with Ku-band satellite capacity for the Connexion by BoeingSM system to provide interim Pacific Ocean region ("I-POR") coverage pending launch of the AMC-23 satellite later this year.

On March 29, 2005, Boeing filed an *ex parte* letter in support of SES Americom's STA application and related modification application.² On March 31, 2005, Boeing submitted additional

¹ See Application of SES Americom, Inc. for Special Temporary Authority to Repoint Satcom SN-4, File No. SAT-STA-20050325-00076 (filed March 25, 2005). SES Americom also filed an accompanying modification application seeking, among other things, permanent authority for operational changes requested in the STA application. See Application of SES Americom, Inc. for Modification of Satcom SN-4 Fixed Satellite Space Station License, File No. SAT-MOD-20050325-00075 (filed March 25, 2005).

² See Letter to Marlene H. Dortch from Carlos M. Nalda, File Nos. SAT-STA-20050325-00076 and SAT-MOD-20050325-00075 (dated March 29, 2005).

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information regarding the pressing need for STA authority and the extraordinary circumstances justifying grant of SES Americom's STA application.³ This letter provides further public interest reasons for granting the requested STA.

Section 302(f) of the Communications Act provides the Commission with authority to grant temporary authorizations where such temporary operations are in the public interest and delay in operation would prejudice the public interest.⁴ Section 25.120 of the Commission's Rules governs temporary authority to operate satellite communications facilities such as the Satcom SN-4 satellite.⁵ An STA request must contain the full particulars of the proposed operations, including facts sufficient to justify the temporary authorization sought and the public interest therein.⁶ "Convenience to the applicant, such as marketing considerations or meeting scheduled customer in-service dates, will not be deemed sufficient" for purposes of granting an STA request.⁷

In applying the STA standard in the context of satellite facilities, the Commission has looked to the public interest benefits associated with the proposed service generally and to the specific public benefits of the proposed temporary operations. For example, in granting Satellite Digital Audio Radio Service ("SDARS") licensees temporary authority to operate terrestrial repeaters, the Commission acknowledged the many public interest benefits that SDARS can provide and the need for complementary terrestrial repeaters to help implement the service.⁸ In addition, the Commission granted Iridium temporary authority to operate in additional "Big LEO" MSS spectrum to provide communications services to support U.S. government operations in the Middle East region.⁹

SES Americom has provided the full particulars of its proposed temporary operations in its STA application. In addition to the public interest information already in the record, Boeing would highlight

³ See Letter to Marlene H. Dortch from Carlos M. Nalda, File Nos. SAT-STA-20050325-00076 (dated March 31, 2005).

⁴ 47 U.S.C. § 302(f).

⁵ 47 C.F.R. § 25.120.

⁶ 47 C.F.R. § 25.120(a).

⁷ 47 C.F.R. § 25.120(b).

⁸ See XM Radio, Inc. and Sirius Satellite Radio Inc. Requests for Special Temporary Authority, *Order and Authorization*, 19 FCC Rcd 18140 (Sat. Div., Int'l Bur. 2004) at ¶ 6.

⁹ See Iridium Constellation, LLC and Iridium, US LP Request for Temporary Authorization, *Order*, 18 FCC Rcd 11564 (Sat. Div., Int'l Bur. 2003) at ¶ 10.

additional factors justifying grant of the requested STA. First, in granting numerous earth station licenses and experimental authorizations to operate the Connexion by BoeingSM Aeronautical Mobile-Satellite Service ("AMSS") system in Ku-band frequencies, the Commission has recognized the public interest benefits of Boeing's AMSS service.¹⁰ Moreover, in adopting the global secondary Ku-band AMSS allocation domestically, the Commission recognized that AMSS represents an important new use of the 14.0-14.5 GHz band.¹¹ The Commission also recently released a notice of proposed rulemaking to adopt AMSS service rules that recognizes the important public benefits of AMSS services generally and that AMSS is a global communications service.¹² Grant of SES Americom's STA application will allow Boeing to expand its AMSS service offering to customers operating in the Pacific Ocean region as quickly as possible.

Second, the Commission has authorized Boeing to provide AMSS service to U.S. government aircraft operating in U.S. territory and international waters.¹³ Various U.S. government VIP/Special Air Mission ("VIP/SAM") aircraft have been equipped with the Connexion by BoeingSM service, including aircraft that operate in the Pacific Ocean region. In this connection, Boeing provides critical aeronautical communications services to these aircraft in support of U.S. military, homeland security and other important government communications needs. Grant of SES Americom's STA application will enable Boeing to support important U.S. government communications needs in the Pacific Ocean region and ensure that U.S. military and government users have access to critical aeronautical communications services in the region at the earliest possible time.

¹⁰ See, e.g., The Boeing Company, *Order and Authorization*, 16 FCC Rcd. 22645 (Int'l Bur./OET 2001); Radio Station Authorization, Call Sign E000723, File No. SES-MOD-20030512-00639; see also The Boeing Company, *Experimental Radio Station Construction Permit and License*, Call Sign WC2XVE (various file numbers).

¹¹ See Amendment of Parts 2, 25, and 87 of the Commission's Rules to Implement Decisions from the World Radiocommunication Conferences Concerning Frequency Bands Between 28 MHz and 36 GHz and to Otherwise Update the Rules in this Frequency Range, ET Docket No. 02-305, *Report and Order*, 18 FCC Rcd 23426 (2003) at ¶ 76.

¹² See In the Matter of Service Rules and Procedures to Govern the Use of Aeronautical Mobile Satellite Service Earth Stations in Frequency Bands Allocated to the Fixed Satellite Service, *Notice of Proposed Rule Making*, IB Docket No. 05-20 (rel. Feb. 9, 2005).

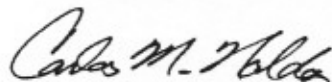
¹³ See generally The Boeing Company, *Experimental Radio Station Construction Permit and License*, Call Sign WC2XVE, File No. 0002-EX-ML-2004 (eff. Jan. 13, 2004).

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For the reasons set forth herein and in its other filings in this proceeding, Boeing urges the Commission grant SES Americom's STA application as soon as possible.

Please feel free to contact the undersigned with any questions regarding this submission.

Respectfully submitted,



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