

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Row 44 Inc.

Applications for Modification to Add
Intelsat 19, Telstar 14R, and Satmex 8
as Points of Communication

File Nos. SES-AFS-20130920-00833
SES-MOD-20121023-00963

Call Sign E080100

COMMENTS

EchoStar Satellite Operating Corporation (together with its affiliates, “EchoStar”) submits these comments to the Federal Communications Commission (“FCC” or “Commission”) in response to the above-referenced application of Row 44 Inc. (“Row 44”) for modification of its existing Ku-band aeronautical mobile-satellite service (“AMSS”) blanket Earth station license (Call Sign E080100) to add three additional points of communication – Intelsat 19 (“IS-19”, Call Sign S2850) at 166° E.L., Telstar 14R (Call Sign S2821) at 63° W.L., and Satmex 8 (Call Sign S2873) at 116.8° W.L.¹ In its application, Row 44 specifically requests a waiver of the Table of Allocations set forth in Section 2.106 of the Commission’s rules to permit Row 44’s earth stations to communicate with IS-19 in the 12.25-12.75 GHz band.² The Row 44 modification and amendment were placed on public notice on November 13, 2013.³

¹ Row 44 Inc., Amendment to Application for Modification of License, File No. SES-AFS-20130920-00833 (filed Sept. 20, 2013) (“*Amendment*”).

² Row 44 Inc., Application for Modification of License, File No. SES-MOD-20121023-00963, Narrative at 3-4 (filed Oct. 23, 2012) (“*Original Modification*”).

³ See *Public Notice*, Report No. SES-01596 (Nov. 13, 2013) (referencing File Nos. SES-AFS-20130920-00833 and SES-MOD-20121023-00963).

I. Row 44 Must Demonstrate the Accuracy of its Conclusions Through A Technical Analysis

Under the United States Table of Allocations, the 12.2-12.75 GHz frequencies are reserved for use by the Broadcast Satellite Service (“BSS”) and terrestrial Fixed Microwave services in the United States. This is consistent with the allocation of this frequency band to BSS over International Telecommunication Union (“ITU”) Region 2. The International Table of Allocations permits the use of various parts of this band for mobile services in ITU Regions 1 and 2, but not for aeronautical applications.⁴

Row 44, without any support, simply states that its intended operations are “within the scope of operations that Intelsat has previously coordinated with the adjacent satellite operators, and should not cause unacceptable interference into adjacent satellites operating in accordance with FCC’s two-degree spacing policy.”⁵ But Row 44 has failed to provide the Commission with any analysis in support of its assertion. Without information as to the technical parameters of Row 44’s particular operations with IS-19, neither the Commission nor any interested or potentially affected party is in a position to confirm Row 44’s claims. Before the FCC acts on the Row 44 application, the Commission should require Row 44 to submit a technical interference analysis demonstrating this fact. This analysis should include operational and planned BSS locations for ITU Region 2. The Commission, EchoStar, and other interested parties should then have a fair opportunity to evaluate this analysis to confirm its findings. If such process confirms that there is no threat of harmful interference to BSS operations, and under the specific circumstance set forth in Row 44’s modification, EchoStar would then have no

⁴ See 47 C.F.R § 2.106.

⁵ See *Original Modification*, Narrative at 2-3.

objection to Row 44's operations in the 12.25-12.75 GHz band with the IS-19 satellite at 166° W.L. over ITU Region 2 on a non-interference, non-protected basis.

II. The Priority of BSS in the 12.2-12.7 GHz Band Should Be Maintained

For satellite operations, the 12.2-12.7 GHz band is dedicated to BSS in ITU Region 2. More than 30 million subscribers to satellite television services in the United States rely on these frequencies for their television programming. Any current or proposed future uses of these frequencies for Fixed Satellite Services cannot be allowed to impact these services. Grant of Row 44's requested waiver should therefore not be construed so as to establish precedent for more expansive use of the BSS band. BSS operators now and in the future should be able to plan and design their systems without regard to any non-BSS system or systems operating under waivers in the priority BSS band.

III. Conclusion

For the foregoing reasons, Row 44 should submit a technical analysis for evaluation by the Commission and interested parties. The Commission should grant the requested waiver only in the event that an evaluation of this analysis supports the conclusion that the requested waiver will not negatively impact current or planned BSS operations in ITU Region 2.

CERTIFICATE OF SERVICE

I hereby certify that, on this 13th day of December 2013, a copy of the foregoing Comment was filed electronically with the Commission by using the IBFS system and that a copy of the foregoing was served upon the party below via First Class mail:

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