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July 10, 2014

SUBMITTED VIA IBFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Row 44, Inc. Modification Application, as amended, File Nos. SES-MOD-20121023-00963, SES-AFS-20130920-00833 & SES-AFS-20140203-00029 – Clarification Letter Pursuant to Section 1.65 of the FCC’s Rules

Dear Ms. Dortch:

Row 44, Inc. (“Row 44”) hereby responds to a July 2, 2014 request for information from Andrea Kelly of the FCC’s International Bureau (the “Bureau”). Specifically, the Bureau has requested a minor clarification regarding the above-referenced modification application, as amended, with respect to the applicant’s compliance with the current rules governing Earth Stations Aboard Aircraft (“ESAA”), which were adopted and became effective during the pendency of this application.

On September 20, 2013, Row 44 filed an amendment (File No. SES-AFS-20130920-00833) to change the satellites included in the referenced application. At that time, it also stated that “its existing, licensed operation is compliant with all aspects of the ESAA rules that became effective earlier this year, after the filing of its pending modification application.” Row 44 Amendment, File No. SES-AFS-20130920-00833, Attachment 1 at 3. It included a chart cross-referencing the conditions contained in the original Row 44 authorization with the subsequently-adopted ESAA rules. *Id.* Because there are minor substantive differences between the conditions originally attached to Row 44’s authorization and the rules now codified, Row 44 takes this



opportunity to affirm that it currently meets the operational and informational requirements governing ESAA licensees contained in Part 25 of the Commission's Rules. *See* 47 C.F.R. § 25.227 (2013). Accordingly, the Bureau may appropriately re-issue the Row 44 license in connection with a grant of the pending modification application as an authorization in full conformity with the new ESAA rules.

With specific reference to Section 25.227(c) of the Commission's Rules (47 C.F.R. §25.227(c)), which governs "[o]perations of ESAAs in the 14.0-14.2 GHz (Earth-to-space) frequency band in the radio line-of-sight" of National Aeronautics and Space Administration ("NASA") Tracking and Data Relay Satellite ("TDRS") System facilities, Row 44 notes that it submitted to the Commission as an amendment to its original 2008 license application a complete copy of its coordination agreement with NASA governing co-frequency and adjacent frequency operations with the TDRS System (*see* FCC File No. SES-AMD-20080619-00826). Although this amendment was not immediately placed on Public Notice, it was subsequently referenced as a part of the application when two subsequent amendments were accepted for filing on September 10, 2008, initiating a new thirty day filing period for additional public comment on the application.¹ No comments were received concerning Row 44's TDRS coordination agreement with NASA. In addition, the agreement itself addressed not only the TDRS earth station sites at Guam and White Sands, New Mexico specifically referenced in Section 25.227(c)(1) of the Rules, but also the future Blossom Point, Maryland facility that will be governed by the procedures under Section 25.227(c)(2).² Accordingly, the original Row 44 authorization and the company's current operations comport fully with the subsequently-adopted FCC procedures relating to coordination of ESAA operations with the NASA TDRS System.

Should there be any additional questions regarding the pending modification application, as amended, please contact the undersigned counsel.

Respectfully submitted,

s/ David S. Keir

David S. Keir

Counsel to Row 44, Inc.

cc: Andrea Kelly (FCC)
Paul Blais (FCC)
Trang Nguyen (FCC)

¹ *See* FCC Public Notice, "Satellite Radio Applications Accepted For Filing," Report No. SES-01066, at 1 & 4 (released September 10, 2008) (accepting amendments under File Nos. SES-AMD-20080819-01074 and SES-AMD-20080829-01117, and referencing File Nos. SES-LIC-20080508-00570 and SES-AMD-20080619-00826).

² *See* Row 44 Amendment, FCC File No. SES-AMD-20080619-00826, Appendix 2, Coordination Agreement between NASA and Row 44 for Operation of Row 44 AMSS Network in the 14.05-14.47 GHz Band; *see also Earth Stations Aboard Aircraft*, 27 FCC Rcd 16510, 16524 (¶ 28) (2012).