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September 30, 2008

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Applications of Row 44, Inc. for

Authority to Operate up to 1,000 Technically-Identical Aeronautical-Mobile Satellite Service Transmit/Receive Earth Stations Aboard Commercial and Private Aircraft, FCC File Nos. SES-LIC-20080508-00570; SES-AMD-20080619-00826; SES-AMD-20080819-01074; SES-AMD-20080829-01117 (Call Sign E080100);

Special Temporary Authority, FCC File No. SES-STA-20080711-00928 (Call Sign E080100); and

Special Temporary Authority, FCC File No. SES-STA-20080811-01049 (Call Sign E080100).

Ex Parte Presentation

Dear Ms. Dortch:

ARINC hereby urges the Commission to refrain from granting Row 44, Inc. ("Row 44") any testing or operational authority until the Commission has carefully reviewed and resolved the technical issues raised by Row 44's pending applications, referenced above.

ARINC, a portfolio company of The Carlyle Group, provides communications, engineering and integration solutions for commercial, defense and government customers worldwide. In 2005, the FCC licensed ARINC's SKYLink system, which provides broadband service to AMSS terminals on business and private aircraft. At present, the SKYLink system serves North American airspace via SES Americom AMC-6 and North Atlantic airspace via Loral Space & Communications Telstar-14, both operating in the Ku-band. ARINC is also licensed to provide service in the airspace of 25 European countries via Eutelsat AB-2.

Given its extensive experience in the AMSS industry, ARINC is well-positioned to understand and appreciate the technical challenges faced by AMSS operators. AMSS systems must operate in a dynamic flight environment, in which normal airplane banking maneuvers routinely result in rapid and substantial changes in antenna orientation. In such an environment, it can be exceedingly difficult to ensure that the antenna remains pointed at the correct satellite, without causing harmful interference to adjacent satellites or users.

ARINC also is well-positioned to evaluate the deficiencies in Row 44's technical showing. Simply put, Row 44 has not fully detailed how its proposed system would avoid or mitigate interference. Critically, Row 44 has not demonstrated compliance with applicable antenna pattern, power density, or pointing accuracy requirements. Row 44 has not clearly specified how, or even whether, its system would be capable of operating during routine banking maneuvers while complying with the Commission's rules. Moreover, the information that Row 44 has provided is internally inconsistent, and inconsistent from filing to filing. The Commission cannot, and should not, accept Row 44's promise that it would operate on a non-harmful interference basis; Row 44's failure to demonstrate as much *on paper* does not bode well for its ability to implement as much *in practice*.

In short, ARINC believes that Row 44's system, as described in its various applications and associated amendments, would pose an unacceptable risk of harmful interference to adjacent operations. Such interference would not only disrupt adjacent systems, but also would undermine public confidence in the nascent AMSS industry. Such confidence is critical to the long-term success of the industry, and to ensuring that new AMSS technologies can be leveraged fully in the public interest.

For these reasons, ARINC urges the Commission to refrain from taking any action with respect to Row 44's applications, and instead to require Row 44 to correct the deficiencies in its applications and demonstrate that its system would be able to operate on a non-interference basis. Absent such a showing, the Commission must conclude that Row 44's proposed operations would harm the public interest, and therefore deny those applications.

Sincerely,



William Kolb
Director

cc: Helen Domenici
Rod Porter
Robert Nelson
Fern Jarmulnek
Steve Spaeth
Karl Kensinger
Andrea Kelly
Scott Kotler
David Keir, Counsel for Row 44, Inc.