



WASHINGTON, DC

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June 17, 2009

**FILED ELECTRONICALLY**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Ex Parte Notice -- Applications of Row 44, Inc. (Call Sign E080100);  
File Nos. SES-LIC-20080508-00570, SES-AMD-20080619-00826, SES-  
AMD-20080819-01074, SES-AMD-20080829-01117, SES-AMD-  
20090115-00041, and SES-AMD-20090416-00501**

Dear Ms. Dortch:

This letter provides notice pursuant to Section 1.1206(b)(2) of the FCC's Rules (47 C.F.R. § 1.1206(b)(2)) that on Tuesday, June 16, 2009, representatives of Row 44, Inc. ("Row 44") and others identified below met with the International Bureau staff members shown as receiving courtesy copies of this letter concerning the above-referenced application. Row 44 is seeking blanket authority to operate aeronautical mobile satellite service ("AMSS") Earth stations in the Ku-band. The proceeding has been designated a permit-but-disclose proceeding for *ex parte* purposes. See *Change in Ex Parte Status, Row 44 Applications Related to Call Sign E080100*, adopted September 19, 2008.

Row 44 was represented at the meeting by Jim Costello, its Vice President of Engineering, and the undersigned counsel, David Keir of Lerman Senter PLLC, who were accompanied by: Michael Barrett and Frank Blanda of AeroSat Corporation ("AeroSat"), represented by Jonathan Weiner of the firm of Goldberg, Godles, Weiner & Wright; Steven Doiron and Ken Kalinyak of Hughes Network Systems, LLC; Jose Albuquerque of Intelsat; and Daniel Mah of SES Americom, Inc.

Row 44 noted at the outset of the meeting that its application has now been pending for more than thirteen months, and that, among other demonstrations, it has provided extensive information concerning the antenna pointing and shut-off capabilities of its antenna system. Some of this information has been gathered at significant cost to both Row 44 and Alaska Airlines, a customer poised to offer in-flight internet access service using the proposed system. Row 44 also



observed that it has responded fully to all inquiries from FCC staff concerning the technical parameters of its proposed facilities, and has submitted complete reports detailing both its pre-application ground testing as well as the in-flight performance of its antenna system (“Test Reports”), the latter prepared pursuant to special temporary authority (“STA”) granted by the Satellite Division on March 13, 2009. Row 44 believes it has provided more hard data, including actual flight test data, demonstrating the capabilities of its system than any prior AMSS blanket license applicant has provided. Accordingly, Row 44 does not believe any legitimate regulatory issues remain outstanding that should delay final consideration and action on its application, on delegated authority, before the end of the month or, at the latest, before Row 44’s current STA expires on July 14.

Row 44 emphasized that the satellite operators who would be potentially most affected by any defect in Row 44’s operations have all received copies of the Row 44 Test Reports filed with the Commission, and have raised no concerns with the FCC. Indeed, Intelsat, SES Americom, and Echostar Corporation have all been affirmatively supportive of Row 44’s testing program and have cooperated in the collection of in-flight operational data. Intelsat and SES Americom both indicated at the meeting that they had no objection to grant of the pending application.

Row 44 also noted that Viasat, Inc. (“ViaSat”), which had pressed for additional ground testing to take place prior to flight testing, has not filed any comments regarding either of the Test Reports. Viasat was provided with a complete copy of each report almost five weeks ago, on May 14, 2009, pursuant to an FCC Protective Order, but has not to date provided any comments on the completed testing, either directly to Row 44 or before the FCC. No other party has actively opposed grant of the application.

Row 44 highlighted several factors underlining the urgent need for prompt resolution of this application proceeding. First, service providers using other technologies are already in a rapid-roll-out mode. Near-term market entry of one or more alternative providers is crucial to ensure that there is robust intermodal competition in the in-flight broadband marketplace, allowing passengers and airlines to benefit from both terrestrial and satellite solutions.

In addition, Row 44’s airline customers are poised to expend significant amounts on outfitting their aircraft fleets for AMSS service, including substantial investments in on-board equipment provided by AeroSat and other vendors, as well as employment of installation crews to meet aggressive timetables for service roll-out. These activities would provide much-needed economic stimulus.

Finally, Row 44 is currently operating and paying for the Hub and satellite capacity infrastructure that will support its entire AMSS system. Without the end user terminals necessary to support the program financially, this is a circumstance that cannot be sustained for an extended period of time.

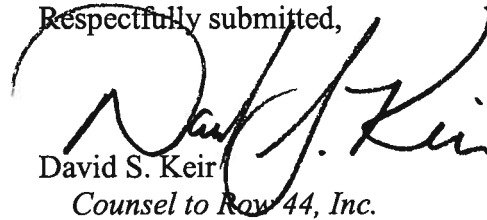
Row 44 requested action as soon as possible and, in any event, before the expiration of Row 44’s current temporary authorization on July 14.



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Should there be any questions regarding this matter, please contact the undersigned counsel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David S. Keir', written over the typed name and title.

David S. Keir  
*Counsel to Row 44, Inc.*

cc: Robert Nelson  
Karl Kensinger  
Stephen Duall  
William Bell  
Gardner Foster  
Trang Nguyen  
Jonathan Wiener, Counsel to AeroSat  
Steven Doiron, Hughes  
Jose Albuquerque, Intelsat  
Daniel Mah, SES

John Janka & Jarrett Taubman, Counsel to ViaSat