



WASHINGTON, DC

June 26, 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 is submitted on behalf of Row 44, Inc. ("Row 44"), pursuant to Section 1.1206 of the Commission's Rules, to report an *ex parte* telephone conversation yesterday, June 25, 2009, between the undersigned counsel and Karl Kensinger, Associate Chief, Satellite Division. During this conversation, I observed that law enforcement agencies have sought in several arenas, *e.g.*, in the pending aeronautical-mobile satellite service rulemaking proceeding (IB Docket No. 05-20), to require certain capabilities of in-flight broadband service providers that are not currently mandated by the Communications Assistance for Law Enforcement Act ("CALEA") or any other law or regulation. These are issues of policy that remain unresolved. Accordingly, the degree to which a broadband satellite services applicant can support these non-CALEA capabilities lies outside the scope of the informal Team Telecom review process. I further noted that specific CALEA provisions affirmatively prohibit law enforcement agencies from impeding the delivery of new communications service. *See* 47 U.S.C. §§1002(b)(1)(B) & 1006(a)(3)(A).

Finally, I reiterated Row 44's view that a timely decision concerning its pending application is essential to allow beneficial development of intermodal competition in the rapidly-developing in-flight broadband marketplace.



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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'David S. Keir', written over a circular scribble.

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

cc: Karl Kensinger  
John Janka & Jarrett Taubman, *Counsel to ViaSat, Inc*