

Exhibit A
SkyWave Mobile Communications, Corp.
FCC Form 312 – Amendment to Application for License of New Mobile Earth Terminals
Question 43 – Description

By this amendment, SkyWave Mobile Communications, Corp. (“SkyWave”) seeks to amend its existing application for a blanket license for 100,000 mobile earth station terminals (“METs”) to formally request a waiver of footnotes US308 and US315, which relate to priority and preemption requirements for the Global Maritime Distress and Safety System (“GMDSS”) and Aeronautical Mobile Satellite (R) Service (“AMS(R)”)¹.

Specifically, the FCC, in consultation with the National Telecommunications and Information Administration (“NTIA”), has required that half-duplex METs that cannot cease transmission and inhibit all further transmissions within one second of a command from the network land earth station seek a waiver of footnotes US308 and US315.² Under such waivers, half-duplex METS have been subject to certain conditions, including maximum shut-down time requirements.³ More recently, in May 2009, the NTIA recommended that half-duplex METs not capable of meeting a 3 second shut down requirement be subject to more stringent conditions.⁴

SkyWave did not seek a waiver of notes US308 and US315 in its original application because it interpreted the May 2009 NTIA letter to indicate that the NTIA would consider half-

¹ See 47 C.F.R. § 25.136; 47 C.F.R. § 2.106 notes US308, US315.

² See Letter from William T. Hatch, Associate Administrator, Office of Spectrum Management, NTIA, to Donald Abelson, Chief, International Bureau, FCC (Aug. 25, 2000).

³ See, e.g., SkyWave Mobile Comms., Corp., SES-LIC-20030311-00353, E030055 (granted Jan. 22, 2004).

⁴ See Letter from Karl B. Nebbia, Associate Administrator, Office of Spectrum Management, NTIA, to Julius Knapp, Chief, Office of Engineering and Technology, FCC (May 13, 2009).

duplex METs capable of shutting down within 3 seconds as compliant with the AMS(R) and GMDSS priority and preemption requirements of notes US308 and US315.

After review and consultation with NTIA staff, however, FCC staff have informed SkyWave that the FCC will require any MET that cannot meet a 1 second shut-off limit to need a waiver of notes US308 and US315.

The amendment does not affect any of the technical information submitted by SkyWave with its application. As SkyWave reported in its application,⁵ the half-duplex METs are capable of meeting the 3-second shut-down time threshold as set forth in NTIA's May 2009 letter. The more stringent conditions recommended by the NTIA for METs that cannot meet this threshold therefore do not apply. More specifically, SkyWave has confirmed that the new METs are capable of a maximum shut-down time of 2.5 seconds and an average shut-down time of 1.1 seconds.

In accordance with its request for a waiver, SkyWave agrees that the METs will be capable of a maximum shut-down time of 2.5 seconds and an average shut-down time of 1.1 seconds, and will operate on a secondary basis to safety and distress communications of those stations operating in GMDSS and AMS(R).

There is good cause for a limited waiver of the AMS(R) and GMDSS priority and preemption requirements. SkyWave's terminals have been used by the Department of Defense, the Department of Homeland Security, the Drug Enforcement Agency, and other private sector customers, including customers in the transportation and oil/gas industry. The new protocol for

⁵ See SkyWave Mobile Commc., Corp, *Application for Authority*, SES-LIC-20101229-01640, E100192 at App. A (filed Dec. 29, 2010).

the data packet service used by the METs that are the subject of the application offers significant improvements in payload capacity and reduced messaging latency.

Under FCC rules, only major amendments to applications are subject to the public notice requirements.⁶ Because the current amendment does not “increase the potential for interference,” have any environmental implications, or otherwise change any of the proposed technical parameters of the METs or their operation,⁷ the amendment is not a major amendment subject to the public notice requirement. None of the technical information necessary for a potential party’s assessment of SkyWave’s application has changed. The public interest is therefore best served by amending the original application as requested herein and moving on the application upon expiration of the comment period established by the publication of the original license application.

⁶ See 47 C.F.R. § 25.116(b) (deeming as “major” those amendments that “increase[] the potential for interference, or change[] the proposed frequencies or orbital locations to be used,” “convert the proposal into an action that may have a significant environmental effect,” or are otherwise considered “substantial” by the FCC).

⁷ See *id.*