

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
AC BidCo LLC)	File No. SES-AMD-_____
)	Call Sign E120106
Amendment to Modification to Blanket License for)	
Operation of Ku-Band Transmit/Receive)	
Earth Stations Aboard Aircraft)	

AMENDMENT

AC BidCo LLC (“AC BidCo”) hereby amends its pending request for modification of its blanket license to operate Ku-band transmit/receive earth stations aboard aircraft (“ESAAs”) on domestic and international flights.¹ Specifically, in connection with its request to add the U.S.-licensed Intelsat 29E satellite as a point of communication, AC BidCo seeks a waiver of the U.S. Table of Allocations and footnote NG52 to permit use of the 11.2-11.45 GHz band on an unprotected, non-interference basis for ESAA operations, including for terminals in U.S. airspace. Grant of the requested waiver is consistent with Commission precedent and will serve the public interest.

Prior to adoption of the Commission’s orders in the ESAA proceeding,² the Commission authorized ESAA operators to use extended Ku-band frequencies for ESAA

¹ See Call Sign E120106, File No. SES-MFS-20160824-00738 (the “E120106 Modification”). The underlying ESAA license was granted to Gogo LLC (“Gogo”), a commonly-owned affiliate of AC BidCo, see File No. SES-MFS-20151022-00735, granted June 30, 2016. A *pro forma* assignment of the ESAA license from Gogo to AC BidCo was approved by the Commission and consummated earlier this year. See File No. SES-ASG-20160714-00659, granted July 19, 2016.

² *Revisions to Parts 2 and 25 of the Commission’s Rules to Govern the Use of Earth Stations Aboard Aircraft Communicating with Fixed-Satellite Service Geostationary-Orbit Space Stations Operating in the 10.95-11.2 GHz, 11.45-11.7 GHz, 11.7-12.2 GHz and 14-14.5 GHz Frequency Bands*, Notice of Proposed Rulemaking and Report and Order, IB Docket Nos. 12-376 & 05-20, 27 FCC Rcd 16510 (2012) (“ESAA Order”); Second Report and Order and Order on

downlinks.³ The Commission has expressly recognized that aircraft terminals “may need to downlink in the extended Ku-band in certain circumstances.”⁴ The ESAA Order modified the Table of Allocations to permit ESAA operations in the conventional Ku-band, as well as in the 10.95-11.2 GHz and 11.45-11.7 GHz segments of the extended Ku-band, and the Commission acknowledged that ESAA operators may also wish to use other downlink spectrum.⁵ Although the Commission had not requested comment on changing the allocation status of other downlink bands, it specifically contemplated that access to such spectrum could be granted “on a case-by-case basis under Part 25 licensing rules.”⁶

The ESAA Decisions also adopted footnote NG52, the successor to former footnote NG104 which specified that use of the 10.7-11.7 GHz band by the fixed-satellite service is limited to international operations. In the ESAA Order, the Commission made clear that ESAA operations in the 10.95-11.2 GHz and 11.45-11.7 GHz band were permitted on an unprotected basis and did not require a waiver of new footnote NG52, but that express carve-out

Reconsideration, IB Docket No. 12-376, 29 FCC Rcd 4226 (2014) (“ESAA Second Order,” and with the ESAA Order, the “ESAA Decisions”).

³ See, e.g., Row 44 Inc., File No. SES-MFS-20100715-00903, Call Sign E080100, Attachment at 3 (requesting extension of the waiver of Section 2.106 that Row 44 was granted for conventional Ku-band downlinks to cover the proposed use of the 11.45-11.7 GHz band), granted Dec. 23, 2010.

⁴ *Service Rules and Procedures to Govern the Use of Aeronautical Mobile Satellite Service Earth Stations in Frequency Bands Allocated to the Fixed Satellite Service*, IB Docket No. 05-20, Notice of Proposed Rulemaking, 20 FCC Rcd 2906 (2005) at ¶ 18 (footnote omitted).

⁵ See *ESAA Order* at n.43.

⁶ *Id.*

does not extend to the 11.2-11.45 GHz band.⁷ Nevertheless, the Commission has authorized ESAA operations in the 11.2-11.45 GHz segment of the extended Ku-band.⁸

Consistent with these past rulings, AC BidCo requests a waiver of the Table of Allocations and footnote NG52 to permit its terminals to receive transmissions from Intelsat 29e in the 11.2-11.45 GHz band, including for U.S. domestic services. The Commission has licensed Intelsat 29e to operate in the 11.2-11.45 GHz band and has granted Intelsat a waiver of footnote NG52 to allow domestic services in the 10.7-11.7 GHz frequencies on an unprotected, non-interference basis in the United States.⁹ Furthermore, Intelsat has confirmed that operation of the AC BidCo ESAA terminals is consistent with coordination agreements with satellites operated within six degrees of Intelsat 29e.¹⁰

Authorizing AC BidCo to receive signals from Intelsat 29e in the 11.2-11.45 GHz band will not alter the technical characteristics of the satellite's operations in any way, and therefore will not create harmful interference to other authorized users of the spectrum. Furthermore, AC BidCo will not claim interference protection from such authorized users. Under these circumstances, waiving Section 2.106 and footnote NG52 is justified to permit use of Intelsat 29e capacity in the 11.2-11.45 GHz band for ESAA operations, including in U.S. airspace.

For the foregoing reasons, AC BidCo amends its pending modification application to seek a waiver of Section 2.106 and footnote NG52 for communications with

⁷ See *ESAA Order* at ¶ 21.

⁸ See, e.g., *Panasonic Avionics Corporation*, File No. SES-MFS-20150609-00349, Call Sign E100089, granted June 30, 2016, Section B (authorizing use of the 10.7-12.75 GHz band).

⁹ See *Intelsat License LLC*, Call Sign S2913, File No. SAT-LOA-20130722-00097, grant-stamped May 21, 2015, Attachment to Grant at 4-5, ¶ 20.

¹⁰ See E120106 Modification, Annex 3 at 7.

Intelsat 29e and respectfully requests that the Commission expeditiously grant the modification as amended.

Respectfully submitted,

AC BidCo LLC

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