

### AMENDMENT NARRATIVE

In its modification application, Global Eagle seeks FCC authority to receive satellite signals being transmitted within the United States by Eutelsat 139 WA (Call Sign S3055) (“E139 WA”) in the 12.5-12.75 GHz band and by Hispasat 143 W-1 (Call Sign S3058) (“H143 W-1”) in both the 12.2-12.5 GHz and 12.5-12.75 GHz bands. Both satellite operators are permitted to operate in these bands pursuant to waivers of the Commission’s rules allowing them to operate geostationary Fixed-Satellite Service downlinks in these frequencies. These waivers are subject to identical conditions providing that each “shall not cause any harmful interference to existing and future authorized users operating in the United States in accordance with the U.S. Table of Frequency Allocations and shall accept any interference in the United States from such authorized users.”<sup>1</sup> Both licenses also include the specific provision that the power flux density limits in the band “shall not exceed the limits specified in rule No. 21.16 of the ITU Radio Regulations.”<sup>2</sup> And each satellite operator must cease interfering operations in the event that harmful interference is caused to authorized services, and report to the Commission the details of any such incidents of harmful interference.<sup>3</sup>

Via its modification application, Global Eagle merely seeks to receive these authorized signals, making use of available space segment capacity to provide better in-flight connectivity and entertainment service to the U.S. air travelling public. Nonetheless, as prior downlink access to this band has been granted to U.S. Earth station licensees premised on waivers of the FCC’s Rules, Global Eagle hereby amends its pending application to formally seek waiver pursuant to Section 1.3 of the FCC’s Rules of Sections 2.106 and 25.202(a)(10)(i) of the Rules to the extent such waivers are required to allow the conditioned receive operations it proposes in the 12.2-12.5 GHz and 12.5-12.75 GHz bands.

Global Eagle understands and accepts the established limitations on the use of the 12 GHz frequencies and believes that it can continue to offer high quality service with greater capacity by making use of the spectrum available at 12.5-12.75 GHz on the E139 WA and H 143

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<sup>1</sup> Eutelsat, S.A. PDR Grant Stamp, IBFS File No. SAT-PDR-20191017-00115, at 4 (¶ 19(a)) (granted April 8, 2020) (“Eutelsat 139 PDR Grant”); Intelsat License LLC, IBFS File No. SAT-PDR-20191205-00143, at 2 (¶ 8(a)) (granted April 25, 2020) (“Intelsat H143 PDR Grant”).

<sup>2</sup> Eutelsat 139 PDR Grant at 4 (¶ 19(d)); Intelsat H143 PDR Grant at 2 (¶ 8(d)).

<sup>3</sup> Eutelsat 139 PDR Grant at 4 (¶ 19(b) & (c)); Intelsat H143 PDR Grant at 2 (¶ 8(b) & (c)).

W-1 satellites under their U.S. market access authorizations.<sup>4</sup> In particular, Global Eagle accepts that fact that its authorization would be subject to the same non-protected, non-harmful-interference limitations that apply to the transmitting space station operators and all of its operations will be consistent with that limitation. Global Eagle's reception of signals transmitted from the satellites will cause no interference, and it believes that it can operate successfully without suffering significant interference from other users of the band, including both the DBS satellite operators and terrestrial users.

Use of a portion of the 12.2-12.75 GHz band will allow Global Eagle to better serve its customers, unlocking access to suitable, cost-effective space segment capacity that is available for use and can improve both the geographic scope and bandwidth available for provision of service that air travelers rely upon for connectivity while in transit. Accordingly, Global Eagle's respectfully requests a waiver of the FCC's Rules as outlined above to the extent required to grant its modification application in its entirety.

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<sup>4</sup> While Global Eagle appropriately seeks access to the full 12.2 to 12.75 GHz band in which the H143 W-1 satellite is authorized to transmit via waiver, its present plan is to transmit using both E139 WA and H43 W-1 using only the 12.5-12.75 GHz frequency band.