

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

In the Matter of

GOGO LLC

Application for Special Temporary
Authority and Permanent Authority to
Operate Transmit/Receive Earth
Stations in Region 2 Using Ku-Band
Frequencies

File Nos. SES-LIC-20120619-00574
SES-AMD-20120731-00709
SES-AFS-20121008-00902
SES-STA-20121009-00907

Call Sign E120106

COMMENTS

EchoStar Satellite Operating Corporation and DIRECTV Enterprises, LLC (together with their respective affiliates, the “DBS Operators”) files these comments with the Commission in response to the above-referenced applications of Gogo LLC (“Gogo”) for special temporary authority and permanent authority to use 1000 technically identical transmit/receive earth stations (Call Sign E120106) to communicate with certain Fixed Satellite Service (“FSS”) satellites in order to provide Aeronautical Mobile Satellite Service (“AMSS”).¹ In its applications, Gogo specifically requests waivers of the Table of Allocations set forth in Section 2.106 of the Commission’s rules to permit the Gogo terminals to communicate with FSS satellites over certain frequencies within the 12.2-12.75 GHz band.

Under the United States Table of Allocations, the 12.2-12.75 GHz frequencies are reserved for use by the Broadcast Satellite Service (“BSS”) and terrestrial Fixed Microwave services in the United States. This is consistent with the allocation of this frequency band to BSS

¹ See *Public Notice*, Report No. SES-01496 (rel. Oct. 24, 2012) (referencing File No. SES-AFS-20121008-00902); *Public Notice*, Report No. SES-01493 (rel. Oct. 17, 2012) (referencing File No. SES-STA-20121009-00907).

over International Telecommunication Union (“ITU”) Region 2. The International Table of Allocations permits the use of various parts of this band for mobile services in ITU Regions 1 and 2, but not for aeronautical applications.²

Gogo’s license application, as amended by its July 31, 2012 submission to the Commission, requests a waiver from the United States Table of Allocations for the 12.2-12.7 GHz frequency band with respect to communications with Intelsat 19.³ As Intelsat explains in its related request for modification of its Intelsat 19 authorization at 166° E.L., Gogo and Intelsat expect to use the 12.25-12.75 GHz band for downlink transmissions in ITU Region 2, a region in which the 12.2-12.7 GHz band is reserved for BSS and Fixed Microwave.⁴

Gogo (through reliance on the *Intelsat Waiver Application*) cites to the orbital separation between the Intelsat 19 satellite and the nearest BSS slot as sufficient to establish that the requested waiver will not result in any interference to BSS downlinks.⁵ The DBS Operators respectfully request that the Commission require Gogo to submit a technical interference analysis in support of that view. This analysis should include both operational and planned BSS locations for Region 2. If this analysis shows no threat of harmful interference to BSS operations, and under the specific circumstance set forth in Gogo’s *First Amendment* and *Intelsat’s Waiver*

² See 47 C.F.R § 2.106.

³ See Gogo LLC, (Revised) Application for Blanket Authority, Narrative at 12-13, File No. SES-AMD-20120731-00709 (filed July 31, 2012) (“*First Amendment*”).

⁴ Intelsat License LLC, Application of Intelsat License LLC to Modify Authorization for Intelsat 19, Narrative at 3, File No. SAT-AFS-201200731-00709 (filed June 28, 2012) (“*Intelsat Waiver Application*”).

⁵ See *First Amendment*, Narrative at 14 (cross referencing the Intelsat Waiver Application); *Intelsat Waiver Application*, Narrative at 3 (“Good cause exists for the Commission to grant Intelsat’s request for a waiver . . . because Intelsat’s use of these frequencies . . . will not cause harmful interference.”).

Application, they have no objection to Gogo's operations in the 12.25-12.75 GHz band with the Intelsat 19 satellite at 166° W.L. over ITU Region 2 on a non-interference, non-protected basis.

The DBS Operators note that for satellite operations, however, the 12.2-12.7 GHz band is dedicated to BSS in ITU Region 2. More than 30 million subscribers to satellite television services in the United States rely on receipt of their video programming over these frequencies. Consequently, any current and future proposed use of these frequencies for FSS must be carefully examined for any potentially negative effect on current and future BSS operations, and the creation of precedent that could be used to inhibit the full and productive use of the band by BSS must be eschewed. Any waivers should be carefully circumscribed to the particulars of the instant case, and the priority of current and future BSS operations must remain unimpaired irrespective of any such waivers. BSS operators now and in the future should be able to plan and design their systems without regard to any non-BSS system or systems operating under waivers in the priority BSS band.

The DBS Operators therefore ask the Commission make clear under any grant of Gogo's application that any waiver of the United States Table of Allocations to permit FSS use of the BSS frequencies in ITU Region 2 should not be construed so as to establish precedent for more expansive use of the BSS band, either for the services set forth in Gogo's applications, or for other services, and that the priority of existing and future BSS services in the band remains unimpaired.

Gogo's second amendment to its license application, submitted October 8, 2012, further "requests waivers of the Table of Allocations in Section 2.106 of the Commission's rules to permit Gogo to use the 12.25-12.5 GHz downlink spectrum on Intelsat 22, [and] the 12.5-12.75

GHz downlink spectrum on SES-4.”⁶ It is not clear, however, whether Gogo is requesting waivers with respect to the U.S. or the International Table of Allocations. Although the amendment narrative references operations with SES-4 in ITU Region 1, and operations with Intelsat 22 in the Middle East, Asia, and Australia, the waiver requests themselves are not confined to operations within these geographic areas. The DBS Operators ask that the Commission either require Gogo to specify that it is requesting a waiver to the International Table of Allocations to permit Gogo to use the reference frequencies for aeronautical mobile services in ITU Regions 1 and 2 only, or else limit any waiver grant to these regions.

Respectfully submitted,

_____/s/

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⁶ Gogo LLC, Amendment, Narrative at 10, File No. SAT-AFS-20121008-00902 (filed Oct. 8, 2012).