

Approved by OMB  
3060-0678

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:  
Earth Station STA

1. Applicant

<b>Name:</b>	The Boeing Company	<b>Phone Number:</b>	206-655-5399
<b>DBA Name:</b>		<b>Fax Number:</b>	206-655-5296
<b>Street:</b>	P.O. Box 3707 MC 14-07	<b>E-Mail:</b>	craig.holman@boeing.com
<b>City:</b>	Seattle	<b>State:</b>	WA
<b>Country:</b>	USA	<b>Zipcode:</b>	98124 -2207
<b>Attention:</b>	Mr Craig Holman		



File # SES-STA-20060119-00067  
Call Sign E000723 Grant Date 1/20/06  
(or other identifier)  
From 1/20/06 Term Expires 2/20/06  
Approved: Jeannette D. Spriggs

**2. Contact**

<b>Name:</b>	Carlos M. Nalda	<b>Phone Number:</b>	(202) 434-7300
<b>Company:</b>	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.	<b>Fax Number:</b>	(202) 434-7400
<b>Street:</b>	701 Pennsylvania Ave. N.W. Suite 900	<b>E-Mail:</b>	cmnalda@mintz.com
<b>City:</b>	Washington	<b>State:</b>	DC
<b>Country:</b>	USA	<b>Zipcode:</b>	20004 -
<b>Attention:</b>	Carlos M. Nalda	<b>Relationship:</b>	Legal Counsel

(If your application is related to an application filed with the Commission, enter either the file number or the IB Submission ID of the related application. Please enter only one.)

3. Reference File Number SESMFS2005070100853 or Submission ID

4a. Is a fee submitted with this application?

☒ If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

☐ Governmental Entity ☐ Noncommercial educational licensee

☐ Other (please explain):

4b. Fee Classification CGB - Mobile Satellite Earth Stations

5. Type Request

☐ Use Prior to Grant

☐ Change Station Location

☒ Other

6. Requested Use Prior Date  
01/20/2006

7. Cityxxxx	8. Latitude (dd mm ss.s h) 0 0 0.0 N
9. State	10. Longitude (dd mm ss.s h) 0 0 0.0 W
11. Please supply any need attachments. Attachment 1: STA Narrative                      Attachment 2:                      Attachment 3:	
12. Description. (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.) <div style="border: 1px solid black; padding: 10px; min-height: 100px;"> Emergency Petition for STA and Temporary Waiver of License Condition. </div>	
13. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes. <div style="text-align: right;"> <input checked="" type="radio"/> Yes                      <input type="radio"/> No </div>	
14. Name of Person Signing R. Craig Holman	15. Title of Person Signing Counsel
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).	

**FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT**

The public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Project (3060-0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to [jboley@fcc.gov](mailto:jboley@fcc.gov). PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember – You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0678.

**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.**

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

In the Matter of	)	
	)	File No. SES-MFS-20050701-00853
	)	
<b>The Boeing Company</b>	)	Call Sign E000723
	)	
Emergency Petition For Special	)	<b><i>Expedited Processing Requested</i></b>
Temporary Authority and Temporary	)	
Waiver of License Condition	)	

To: The International Bureau

**EMERGENCY PETITION FOR SPECIAL TEMPORARY  
AUTHORITY AND TEMPORARY WAIVER OF LICENSE CONDITION**

The Boeing Company ("Boeing"), by its attorneys and pursuant to Section 309(f) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(f), and Section 25.120 of the Commission's Rules, 47 C.F.R. § 25.120, hereby respectfully submits this Emergency Petition for Special Temporary Authority and Temporary Waiver of License Condition to ensure continuity of operations for its Connexion by Boeing<sup>SM</sup> service. Specifically, Boeing requests, for a period of up to 30 days commencing immediately, special temporary authority ("STA") to continue to operate all of its licensed aeronautical earth station ("AES") terminals with an aggregate off-axis e.i.r.p. density level equal to that of a routinely licensed VSAT earth station. The requested STA and temporary waiver are necessary in light of what Boeing understands will be an impending Commission modification of the blanket transmit-receive AES license granted on December 20, 2005.<sup>1/</sup>

---

<sup>1/</sup> Public Notice, *Satellite Communications Services Information Re: Actions Taken*, Report No. SES-00778, at 5-6 (December 21, 2005); Radio Station Authorization, The



## *Emergency Petition--Expedited Processing Requested*

### **I. DISCUSSION**

On July 1, 2005, Boeing submitted a Modification Application<sup>2/</sup> of its blanket transmit-receive authorization (Call Sign E000723) seeking to add up to 1,000 technically identical AES antennas for its eXchange business jet service, to add points of communication and to make certain other changes.<sup>3/</sup> Boeing also requested permission to operate its Aeronautical Mobile-Satellite Service ("AMSS") system with aggregate off-axis e.i.r.p. levels identical to those of a routinely licensed VSAT earth station, without the 1 dB "cushion" included in Boeing's 2001 Transmit-Receive Application.<sup>4/</sup> In support of its modification request, Boeing submitted engineering statements from its serving satellite operators confirming that operation of all authorized Connexion AESs at an aggregate off-axis e.i.r.p. level of a routinely licensed VSAT is consistent with the coordinated parameters of the serving satellites accepted by potentially affected satellite

---

Boeing Company, Callsign E000723, File No. SES-MFS-20050701-00853 (dated Dec. 21, 2005) ("*December 2005 Authorization*").

<sup>2/</sup> The Boeing Company Application to Modify Blanket Authorization to Operate Up to 1,000 Technically Identical Transmit and Receive Mobile Earth Stations Aboard Aircraft in the 10.95-12.75 GHz and 14.0-14.5 GHz Frequency Bands, FCC File No. SES-LIC-20001204-020, SES-MOD-20020308-00429, SES-MOD-20030512-00639, Call Sign E000723 (filed July 1, 2005) ("Modification Application").

<sup>3/</sup> See The Boeing Company, FCC File No. SES-MOD-20030512-00639, Call Sign E000723 (granted November 14, 2003); The Boeing Company, FCC File No. SES-MOD-20020308-00429, Call Sign E000723 (granted September 26, 2002); The Boeing Company, *Order and Authorization*, 16 FCC Rcd 22645 (2001) ("*Transmit-Receive Order*").

<sup>4/</sup> Application of the Boeing Company for Blanket Authority to Operate Up to Eight Hundred Technically Identical Transmit and Receive Mobile Earth Stations Aboard Aircraft in the 11.7-12.2 and 14.0-14.5 GHz Frequency Bands, File No. SES-LIC-20001204-02300, at 3-5, 10-17 (filed Dec. 4, 2000, supplemented Jan. 10, 2001) ("*Transmit-Receive Application*").

*Emergency Petition--Expedited Processing Requested*

operators.<sup>5/</sup> In other words, each satellite operator confirmed that Boeing could operate its AESs up to the aggregate VSAT level without any 1 dB "cushion."

The Commission granted that portion of Boeing's Modification Application relating to its request for elimination of the 1 dB "cushion."<sup>6/</sup> On January 8, 2006, Boeing implemented as part of its monthly software update the removal of the 1 dB "cushion" from the algorithm that controls its existing AES operations.

The reissued blanket license, however, included a  $10\log(N)$  power limitation on all individual AES antennas, including previously authorized AESs.<sup>7/</sup> Boeing viewed the inclusion of this new condition to be an inadvertent error because it is fundamentally inconsistent with the previously licensed operations of the Connexion system, which includes control of AES off-axis e.i.r.p. on an aggregate basis and use of dynamic power control (*i.e.*, "bandwidth-on-demand"). Boeing has been actively working with the Bureau staff since the turn of the year to address this issue.

The need for expedited, emergency action on the above-captioned Petition is a result of discussions with Bureau staff that took place yesterday, January 18, 2006. In a meeting with counsel for Boeing, the staff confirmed that it intended to reissue Boeing's AMSS blanket license on its own motion no later than January 20, 2006. Specifically, the staff has indicated that it intends to remove the  $10\log(N)$  condition and also make other changes that would have the effect of reinstating the 1 dB "cushion" for aggregate off-axis e.i.r.p. levels.

---

<sup>5/</sup> Letter from Carlos M. Nalda, Counsel for Boeing, to Marlene H. Dortch, Secretary, Federal Communications Commission, December 5, 2005, at 2.

<sup>6/</sup> *December 2005 Authorization* at Special Condition 5411.

<sup>7/</sup> *Id.*

### ***Emergency Petition--Expedited Processing Requested***

Boeing seeks a 30-day STA to continue Connexion operations at the current aggregate off-axis e.i.r.p. power level (*i.e.*, without the 1 dB "cushion") at least until February 12, 2006, when Boeing's next system control software update is scheduled. Grant of the requested STA would serve the public interest by ensuring continuity of service to customers and avoiding serious disruption to the Connexion service. Failure to grant the STA essentially would require an immediate shut-down of the Connexion system until new control coding can be implemented. This would disrupt all customer communications, including critical U.S. Government communications, and would plainly disserve the public interest.

In addition, if Special Condition 5411 is not modified as indicated by the staff or if otherwise necessary to permit continued operation of the Connexion system, Boeing requests that the Bureau temporarily waive the  $10\log(N)$  condition currently in its license. The  $10\log(N)$  power limitation applicable to individual AESs is fundamentally inconsistent with operation of the Connexion system as authorized by the Commission in December 2001, which included the use of dynamic uplink power control and operations pursuant to aggregate off-axis e.i.r.p. density levels. Because the  $10\log(N)$  power limitation contained in Special Condition 5411 is incompatible with Boeing's previously authorized operations, Boeing requests that the Commission temporarily waive this condition to the extent necessary to permit continued operation of the Connexion system.

## **II. Conclusion**

For the reasons set forth above, Boeing respectfully requests that the Commission grant to Boeing an STA to operate the Connexion system at an aggregate off-axis e.i.r.p. level equivalent to that of a routinely licensed VSAT earth station for a period of up to 30



*Emergency Petition--Expedited Processing Requested*

days, and waive the 10log(N) provision of Special Condition 5411 to the extent necessary to continue Connexion operations.

Respectfully submitted,

**THE BOEING COMPANY**

/s/

Philip L. Malet  
Steptoe & Johnson LLP  
1330 Connecticut Ave., NW  
Washington, D.C. 20036  
(202) 429-3000  
pmalet@steptoe.com

R. Craig Holman  
Counsel  
The Boeing Company  
Connexion by Boeing<sup>sm</sup>  
P.O. Box 3737, MC 14-07  
Seattle, WA 98124-2207  
(206) 655-5399

---

Carlos M. Nalda  
Mintz, Levin, Cohn, Ferris, Glovsky and  
Popeo, P.C.  
701 Pennsylvania Ave., N.W., Suite 900  
Washington, D.C. 20004  
(202) 434-7300  
cmnalda@mintz.com

January 19, 2005