

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

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

iPass BGAN STA Request

1. Applicant

Name:	iPass Inc.	Phone Number:	650-232-4100
DBA Name:		Fax Number:	650-232-4111
Street:	3800 Bridge Parkway	E-Mail:	bposey@ipass.com
City:	Redwood Shores	State:	CA
Country:	USA	Zipcode:	94065 -
Attention:	Mr Bruce Posey		



File # SES-STA-20070716-00944
with attached conditions
Call Sign EDN44 Grant Date 12/13/2007
(or other identifier)

Term Dates
From See conditions To: See conditions

Approved: MC Chief Satellite
Robert G. Nelson Division

iPass, Inc.

IBFS File No. SES-STA-20070716-00944

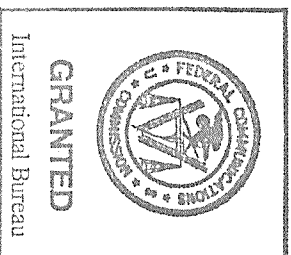
Call Sign: E070144

The request of iPass, Inc., (iPass) for special temporary authority (STA) IS GRANTED. Accordingly, iPass is authorized for a period of 60 days, ending February 12, 2008, to operate up to 4,000 Broadband Global Area Network (BGAN) mobile earth terminals (METs) using the Innarsat 4F2 satellite at 52.75° W.L., in accordance with the terms, conditions, and technical specifications set forth in the Commission's rules and this document.

1. Neither the aggregate uplink EIRP density in the direction of any other L-band satellite serving the United States, nor the downlink EIRP density at any geographical point within the United States from all Innarsat satellites, shall be increased above the levels previously authorized in connection with operations using the Innarsat 3F4 satellite, as a result of the operations authorized by this STA.
2. Operations on the Innarsat 4F2 satellite shall be on an unprotected basis. iPass shall not claim protection from, and is required to accept interference from, other lawfully operating satellites or radiocommunication systems.
3. Operations are permitted on those frequencies previously used for authorized U.S. MET operations on the Innarsat 3F4 satellite, except that operations are not permitted on certain frequencies, made available to Innarsat by MSV USA and MSV Canada as part of the operator-to-operator coordination process, the use of which is currently an issue pending in connection with iPass's request for regular authority.
4. Adequate guard bands shall be provided between the band edges of the carriers used by iPass and the band edges of MSV's operations in order to preclude the possibility of unacceptable interference to MSV's operations.
5. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at iPass's own risk.
6. The grant of this STA is not based on a finding that Innarsat's L-band operations are consistent with operation on a non-interference basis.
7. The grant of this STA is without prejudice to any future determination that the Commission may make as to whether Innarsat's L-band operations are consistent with operation on a non-interference basis.
8. This STA may be terminated or modified at the International Bureau's discretion, without a hearing, if conditions warrant.
9. iPass must notify each customer, in writing and prior to initiation of service, that BGAN operations on the Innarsat 4F2 satellite are pursuant to a grant of special temporary authority that may be terminated or modified at any time.
10. Authority granted in this STA is without prejudice to the disposition of any related applications for regular authority.
11. iPass shall not provide facilities-based or resale common carrier service that meets the definition, or is the functional equivalent, of a commercial mobile radio service, without receiving authorization under Section 214 of the Communications Act. For purposes of this condition, the definition of a commercial mobile radio service is set forth in Section 332(d) of the Communications Act and Section 20.3 of the Commission's rules.

iPass, Inc.
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Call Sign: E070144

12. This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately.
13. iPass is afforded thirty days from the date of release of this action to decline this special temporary authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the special temporary authorization as conditioned.



File # SES-STA-20070716-00944
with attached conditions
Call Sign E07144 Grant Date 12/13/2007
(or other identifier)
Term Dates
From see conditions To: see conditions
Approved: [Signature] Chief Solicitor
Robert B. Nelson Division

2. Contact	
Name: iPass Inc.	Phone Number: 650-232-4100
Company:	Fax Number: 650-232-4111
Street: 3800 Bridge Parkway	E-Mail: bposey@ipass.com
City: Redwood Shores	State: CA
Country: USA	Zipcode: 94065 -
Attention: Brad Jones	Relationship: 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 SESLIC2007071200933 or Submission ID	
4a. Is a fee submitted with this application?	
<input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114). <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee <input type="radio"/> Other (please explain):	
4b. Fee Classification CGB – Mobile Satellite Earth Stations	
5. Type Request	
<input checked="" type="radio"/> Use Prior to Grant <input type="radio"/> Change Station Location <input type="radio"/> Other	
6. Requested Use Prior Date 09/01/2007	
7. City Various	8. Latitude (dd mm ss.s h) 0 0 0.0

9. State	10. Longitude (dd mm ss.s h) 0 0 0.0
11. Please supply any need attachments. Attachment 1: Attachment 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: 5px; margin: 10px 0;">Application for Special Temporary Authority to operate up to 4000 Mobile Earth Terminals in conjunction with the Inmarsat 4-F2 satellite to provide Inmarsat's Broadband Global Area Network (BGAN) services.</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. <input checked="" type="radio"/> Yes <input type="radio"/> No	
14. Name of Person Signing Bruce Posey	15. Title of Person Signing Senior VP, General Counsel and Corporate Secretary
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).	

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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.

iPass, Inc. – Call Sign E070144
Request for Special Temporary Authority to Provide
Immarsat’s Broadband Global Area Network (“BGAN”) services

iPass, Inc. (“iPass”) hereby requests special temporary authority (“STA”), pursuant to Section 25.120 of the Commission’s rules, 47 C.F.R. § 25.120, to allow iPass to provide Immarsat’s Broadband Global Area Network (“BGAN”) services, using up to 4,000 mobile earth terminals (“METs”) operating in the L-band in conjunction with the Immarsat 4-F2 satellite, located at the 52.75° W.L. orbital location. Temporary authority to provide BGAN service using these METs and the Immarsat 4-F2 satellite will allow iPass to offer broadband internet access services via Immarsat’s BGAN service in the United States while the International Bureau (“Bureau”) considers iPass’s pending Form 312 BGAN application.¹ The instant request seeks STA consistent with requests the Bureau has already granted, and iPass has incorporated here the relevant conditions the Bureau has imposed on previous STA requests.

As described in its underlying Application, iPass plans to operate its METs with Immarsat’s fourth generation satellite, the Immarsat 4-F2, located at 52.75 ° W.L. The Application proposes to offer Immarsat BGAN services to iPass customers, through four different METS (NERA PUT, AddValue PUT, T&T Lite, and HNS Briefcase), although initially just two of these models (the T&T Lite and HNS Briefcase) will be offered. Each MET offers a different combination of size and data transmission capability, and complies with the Commission’s rules for operation in the L-band.²

iPass is prepared to provide the BGAN service via the Immarsat 4F2 by early September of this year, and thus requests Commission action on the instant STA request by *September 1, 2007*. Insofar as the Bureau will be unable to complete its review of and grant the underlying Application by that date, iPass respectfully requests grant of this request for special temporary authority to provide BGAN services for a period of 60 days.

For the reasons set forth in iPass’s Application, grant of this request would be consistent with the ORBIT Act,³ and also would satisfy the Commission’s *DISCO II* standard.⁴ Moreover, grant of this request for STA would be in the public interest because it will allow iPass customers in a wide variety of critical industries, including but not limited to the U.S. military and public safety community, to access faster and more robust satellite broadband services, consistent with the Commission’s important objective of promoting broadband services via competing, diverse technology platforms, including wireless.⁵ Indeed, the Commission recently

¹ See iPass, Inc., Application for blanket authority to operate up to 4000 Mobile Earth Terminals in conjunction with Immarsat’s Broadband Global Area Network (BGAN) service satellites, File No. SES-LIC-20070712-00933 Submission ID IB2007001638, submitted July 10, 2007 (“Application”). iPass hereby incorporates by reference the Application, including the Exhibits thereto, for purposes of this STA request.

² See Application, Exhibit II.

³ 47 U.S.C. § 761 *et seq.*

⁴ See *Amendment of the Commission’s Policies to Allow Non-U.S. Licensed Space Stations providing Domestic and International Service in the United States*, 12 FCC Rcd 24094 (1997) (“*DISCO II*”).

⁵ See, e.g., *Amendment of the Commission’s Space Station Licensing Rules and Policies, First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10764 (citing *FWCC Request for Declaratory Ruling on Partial-Band Licensing of Earth Stations in the Fixed-Satellite Service that Share Terrestrial Spectrum*, First Report and Order, IB Docket No. 00-203, 16 FCC Rcd 11511 (2001)) (satellite facilities

“recognize[d] the importance,” and has taken action to “encourage the building of, mobile units that can be deployed as needed to any given disaster zone to assist in rapid restoration of vital communications using Mobile Satellite Service.”⁶ The expanded availability of services capable of providing such equipment would promote this important Commission objective.

As the Bureau is aware, BGAN service currently is available in Europe, Africa, Asia and the Middle East. BGAN operates at substantially faster speeds than mobile service offerings currently available in the United States and with fewer geographic restrictions. iPass will offer U.S. users Internet access services, via the underlying Internet Protocol packet-switched data applications, at speeds up to 492 Kbps. The service will provide iPass customers with broadband access to e-mail and data communications and Internet access, as well as the capability for local area networks, intranet/extranets, video conferencing, and video-on-demand, and to use these services from almost anywhere in the world. Similarly, iPass customers who already use BGAN in other parts of the world will be able to operate their equipment in the United States. The Bureau previously has granted special temporary authority to several applicants for the provision of BGAN service in the United States.⁷ Expeditions grant of this request would allow additional U.S. subscribers to enjoy the same competitive broadband mobile satellite service offerings.

The Innarsat 4-F2 satellite which will be used to provide the BGAN service can be operated in a manner that will cause no greater potential for interference than Innarsat 3, Innarsat’s former satellite located at 54 ° W.L. In many ways, Innarsat 4-F2 is more “interference friendly” than Innarsat 3 because Innarsat 4-F2 has narrower spot beams with steeper antenna side lobes to reduce interference into adjacent areas, and it has higher gain spot beams to allow the use of terminals that radiate less than one-tenth the power of the Innarsat data terminals currently used in the United States. Thus, BGAN service will be provided on Innarsat 4-F2 in a manner that will not adversely affect the current interference environment.

iPass agrees to the following conditions, consistent with the conditions the Bureau has imposed on other BGAN STA grant recipients:

1. Neither the aggregate uplink EIRP densities in the direction of any other L-band satellite servicing the United States, nor the downlink EIRP densities at any geographical point within the United States will be increased, above the levels

provide a competitive platform for delivery of broadband services); *In the Matter of Appropriate Regulatory Treatment for Broadband Access to the Internet Over Wireless Networks*, WT Docket No. 07-53, FCC 07-30, ¶ 4 (2007); *see also Appropriate Framework for Broadband Internet Access to the Internet over Wireline Facilities*, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rod. 14853, ¶ 19 (2005).

⁶ *In the Matter of Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, Order, FCC 07-107, ¶ 59 (rel. June 8, 2007).

⁷ *See, e.g.*, Stratos Communications, Inc., Request for Special Temporary Authority, File No. SES-STA-20060310-00419 (granted May 12, 2006); FTMSC US, LLC, Request for Special Temporary Authority, File No. SES-STA-2006314-00438 (granted May 12, 2006); BT Americas Inc., Request for Special Temporary Authority, File No. SES-STA-2006315-00445 (granted May 12, 2007).

previously authorized in connection with operations using the Inmarsat 3F4 satellite, as a result of the operations authorized by this STA.

2. Operations on the Inmarsat 4F2 satellite will be on an unprotected basis. iPass will not claim protection from, and will accept interference from, other lawfully operating satellites or radiocommunication systems.
3. Operations will be undertaken on those frequencies previously used for authorized U.S. MET operations on the Inmarsat 3F4 satellite, except that operations are not permitted on certain frequencies made available to Inmarsat by MSV USA and MSV Canada as part of the operator-to-operator coordination process, the use of which is currently an issue pending in connection with iPass's pending Application.
4. Adequate guard bands will be provided between the band edges of the carriers used by iPass and the band edges of MSV's operations in order to preclude the possibility of unacceptable interference to MSV's operations.
5. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at iPass's own risk.
6. The grant of this STA request would not represent a finding that Inmarsat's L-band operations are consistent with operation on a non-interference basis.
7. The grant of this STA request would be without prejudice to any future determination that the Commission may make as to whether Inmarsat's L-band operations are consistent with operation on a non-interference basis.
8. If granted, this STA request may be terminated or modified at the International Bureau's discretion, without a hearing, if conditions warrant.
9. iPass will notify each customer, in writing and prior to initiation of service, that BGAN operations on the Inmarsat 4F2 satellite are pursuant to a grant of special temporary authority that may be terminated or modified at any time.
10. Authority granted in this STA request would be without prejudice to the disposition of iPass's pending Application.
11. iPass will not provide facilities-based or resale common carrier service that meets the definition, or is the functional equivalent, of a commercial mobile radio service (as defined at 47 U.S.C. § 332(d) and 47 C.F.R. § 20.3), without receiving authorization under Section 214 of the Communications Act.

Finally, iPass notes that the Commission has explicitly referenced its prior grant of BGAN STA requests as among the actions taken "to ensure that INTEL SAT, Inmarsat, and New

Skies have been privatized in a procompetitive manner, consistent with the privatization criteria of the” *ORBIT Act* and “to implement certain deregulatory measures” of that statute.⁸ For this reason, as well as those discussed above, “there are extraordinary circumstances requiring temporary operations in the public interest and . . . delay in the institution of these temporary operations would seriously prejudice the public interest.”⁹

⁸ *FCC Report to Congress as Required by the ORBIT Act*, Eighth Report, FCC 07-113, at 17 (rel. June 15, 2007).

⁹ See 47 C.F.R. § 25.120(b)(1).