

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:
E070085 – AMC-15 STA ESV

1. Applicant

Name:	KVH Industries, Inc.	Phone Number:	401-845-8148
DBA Name:		Fax Number:	401-845-8116
Street:	50 Enterprise Center	E-Mail:	ffeingold@kvh.com
City:	Middletown	State:	RI
Country:	USA	Zipcode:	02842 -
Attention:	Ms Felise Feingold		



File # SES-STA-20090515-00595
Call Sign E070085 Grant Date 5/29/09
(or other identifier)
From 5/29/09 Term Dates To: 7/29/09
Approved: Jeanette D. Spisseg

2. Contact	
Name: Carlos M. Nalda	Phone Number: 202-626-6659
Company: Squire, Sanders & Dempsey	Fax Number: 202-626-6780
Street: 1201 Pennsylvania Ave., NW	E-Mail: cnalda@ssd.com
City: Washington	State: DC
Country: USA	Zipcode: 20004 -
Attention:	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 SESLIC2007050400563 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 05/22/2009	
7. City	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: 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: 5px; margin: 10px 0;">KVH Industries, Inc. requests an STA to operate a network of up to 300 ESVs via the AMC-15 satellite at 105W.</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 Felise Feingold	15. Title of Person Signing Vice President and General 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).	

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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.

May 15, 2009

Kathryn Medley, Chief
Engineering Branch
Satellite Division
International Bureau
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Re: KVVH Industries, Inc. Request for Special Temporary Authority To Operate ESV Network
Call Sign E070085 Pending Action on Amended ESV Application

Dear Ms. Medley:

KVVH Industries, Inc. (“KVVH”), pursuant to Section 25.120(b)(3) of the Commission’s Rules, 47 C.F.R. § 25.120(b)(3), hereby requests Special Temporary Authority (“STA”) to operate a network of up to 300 earth stations onboard vessels (“ESV’s”) via the AMC-15 satellite at 105° W.L. and gateway earth station in Carlsbad, California (Call Sign E030131), licensed to ViaSat, Inc. STA is sought for a period of 60 days, commencing at the earliest practicable time, pending action on the concurrently filed amendment in application proceeding File No. SES-LIC-20070504-00563 to substitute KVVH as the applicant, add the AMC-15 satellite as an authorized point of communication and make other minor adjustments to the ESV application.¹

The Commission has already granted a number of STAs to SES Americom, Inc. (“SES Americom”) to operate this particular ESV network (Call Sign E070085) communicating with the AMC-6 satellite at 72°W.L., pending grant of the underlying application for a regular ESV license. See File Nos. SES-STA-20070329-00421, SES-STA-20070529-00728, SES-STA-20070720-00973, SES-STA-20080110-00035, SES-STA-20080801-01010, SES-STA-20080916-01214, SES-STA-20090219-00196 (extension pending). As part of a proposed transaction between SES Americom and KVVH, KVVH has applied for an STA to enable it to assume operational responsibility for this ESV network using AMC-6 (the “AMC-6

¹ The information in the underlying ESV application proceeding is hereby incorporated by reference.

STA"). See Submission ID IB2009001308.² Shortly after that transaction is consummated (following grant of the AMC-6 STA), KVH plans to transition service from AMC-6 to AMC-15 using the same gateway earth station pursuant to a separate transaction with a reseller of capacity on that satellite. As a result, KVH respectfully requests that the present STA be granted as soon as practicable after grant of the AMC-6 STA.

KVH's operation of the ESV network under the requested STA will be consistent with the technical parameters in the underlying ESV application, as amended, except that the new remote control point for the network will be at a network control facility located in Carlsbad, CA, that is operated subject to KVH's ultimate direction and control. In addition, all operations will be on the same terms and conditions as previous STAs granted to SES Americom to operate the related network communicating with AMC-6, including operating consistent with the conditions set forth in the Engineering Certification for the AMC-6 satellite submitted with the underlying license application on October 8, 2006. More specifically, operations will be on an unprotected, non-harmful interference basis, and will be without prejudice to the Commission's consideration of the underlying ESV application (as amended).

Grant of the requested STA will serve the public interest by ensuring continuity of service to existing ESV customers on the E070085 network, including U.S. government users, and allowing them to transition to AMC-15. It will also ensure that affordable and reliable broadband communications will continue to be made available to a wide range of maritime customers, including federal, state and local government agencies, businesses and individuals. The Commission has previously found that grant of STAs to provide such services to be in the public interest, and it should reach the same conclusion with respect to KVH's request for an STA to provide the same services using the same network. KVH is fully qualified to hold an STA to operate this ESV network and the Commission has recently granted KVH a 60-day STA to provide the same services using a very similar ESV network in the Pacific Ocean region (Call Sign E090001). See File Nos. SES-STA-20081105-01449 and SES-STA-20090226-00221.

For all of these reasons, KVH respectfully requests the expeditious grant of this STA request. In the meantime, please feel free to contact me with any questions you may have or if KVH can provide any additional information to facilitate action on its STA request.

Respectfully submitted,

SQUIRE, SANDERS & DEMPSEY L.L.P.

Carlos M. Nalda

Carlos M. Nalda

Counsel to KVH Industries, Inc.

² The proposed transaction also contemplates that KVH will assume operational responsibility for ESV network Call Sign E060335 currently being operated by SES Americom under STA. KVH has filed a separate STA request, and SES Americom and KVH have filed an application amendment, for this purpose.