

## Description of STA Request

Comtech Mobile Datacom Corporation (“CMDC”) hereby requests that the Commission renew and extend, with condition, the special temporary authority (“STA”) that the Commission granted with condition on July 2, 2013 for E990143 (the “Spike” license)<sup>1</sup> in File No. SES-STA-20130627-00544 (“Spike STA”). The currently operative Spike STA is scheduled to expire on September 1, 2013. CMDC provides mobile packet data communications services to federal government and commercial customers throughout the United States and overseas. (While CMDC currently has no commercial customers, it has served such customers in the past.)

On February 6, 2013, CMDC filed a modification application (“Modification Application”), among other things, to extend the term of a separate blanket license E090027 (the “ROUS” license<sup>2</sup>) for two years and to add a Site ID to that license. *See* SES-MOD-20130206-00159. Once granted, the Modification Application would eliminate the need for continuation of the Spike license. The Modification Application does seek technical correction of a number of items on the ROUS license identified by CMDC in review thereof. Aside from seeking the consolidation of the Spike authority into the ROUS license and these technical corrections, the Modification Application does not seek to alter the Company’s licensed authority.

The Spike license was set to expire on May 4, 2013. In anticipation that the Modification Application would not be granted prior to the expiration of the Spike license, CMDC sought and received an STA to take effect starting on May 4, 2013, to allow it to continue operating under the terms set forth in the Spike license. CMDC is filing the instant request for renewal and extension of the Spike STA because, following discussion with Staff, it is similarly likely that grant of the Modification Application will not occur prior to the expiration date for the Spike STA. CMDC seeks continued special temporary authority pending action on its Modification Application.

In support of this STA request, CMDC refers to the information provided in its Modification Application, including Exhibit A (Description of Application, Services to be Provided, Frequencies Requested and Public Interest Showing); Exhibit B (Radiation Hazard Study); Exhibit C (Information Required by Section 25.137 on Non-U.S. Licensed Satellite); and Exhibit D (Request for Waiver).

CMDC notes that it has been operating under the Spike license and the Spike STA pursuant to a waiver of footnotes US308 and US315 to the U.S. Table of Frequency Allocations and Section 25.136(d) of the Commission’s Rules with respect to the operation of its MTM202 half-duplex terminals outside of the continental United States. The Company’s MTM202 terminals do not comply with the National Telecommunications and Information Administration’s (“NTIA’s”) interpretation of these footnotes with respect to the shutdown

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<sup>1</sup> *Comtech Mobile Datacom Corp., Application for Modification of Blanket Earth Station Authorization, Order and Authorization*, DA 09-906, rel. May 15, 2009; *Satellite Communications Services Information re: Actions Taken*, Report No. SES-01346 (May 11, 2011) (granting license for additional 2-year period, on terms of 2009 grant order).

<sup>2</sup> *Satellite Communications Services Information re: Actions Taken*, Report No. SES-01395 (Nov. 2, 2011) (granting license for additional 2-year period).

requirement. The Modification Application requests grant of this waiver for an additional two-year period. In order to continue operations following expiration of the current Spike STA and prior to grant of the Modification Application, however, CMDC respectfully requests that the STA renewal requested herein include temporary grant of this waiver as well. This request is reasonable for all the reasons discussed in the Modification Application, Exhibit D, *Request for Waiver*. In particular, as explained in the Modification Application, the likelihood that a single packet will exceed the prescribed duration for shutdown – the basis for the waiver requirement – is exceptionally low and materially lower than had been the case when the waiver was last extended in 2011. Further, grant of this temporary waiver will serve the public interest insofar as continued operations pursuant to the renewed and extended Spike STA will be impracticable without the waiver.

CMDC requests that the Commission renew and extend the current Spike STA, effective **September 1, 2013** for a minimum of 60 days and continue, if necessary, until such time as the Commission acts on the Modification Application.

Section 25.120(b)(1) of the Commission’s Rules provides that the Commission may grant a temporary authorization only upon a finding that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of these temporary operations would seriously prejudice the public interest. CMDC submits that such extraordinary circumstances exist here. CMDC is requesting renewal and extension of the current Spike STA to continue to satisfy the needs of its current customer, notably including the U.S. Army, for service in the U.S. and worldwide. Specifically, the U.S. Army’s Force XXI Battle Command, Brigade and Below (“FBCB2”) command and control system relies upon CMDC’s services. Grant of the requested STA will advance the public interest in that it will enable CMDC to satisfy the needs of the Army without disruption of service. At the same time, CMDC’s operations pursuant to the authority requested herein will not, in all likelihood, result in any harm to the public interest. While CMDC’s terminals and operations, continuance of which is proposed herein, do not entirely comply with the letter of the Commission’s requirements for priority access and real-time preemption in the L-band, they comply with the spirit of those requirements. And, as noted, the remaining potential for noncompliance with the prescribed duration for shutdown is minimal. As discussed in the Modification Application, Exhibit D, the Commission’s previous grant of a waiver of footnotes US308 and US315 and Section 25.136(d) in conjunction with past grants of authority to operate pursuant to CMDC’s E090027 license provides precedent for grant of a similar (temporary) waiver in connection with this STA request.

CMDC acknowledges that any grant of this STA request is without prejudice to, and will be conditioned on, the Commission’s final action on any CMDC application.

For the reasons set forth above, CMDC respectfully requests that this STA request be granted no later than September 1, 2013.

## VERIFICATION

I, Ben K. Clark, am Contracts Manager of Comtech Mobile Datacom Corporation ("CMDC"). I am authorized to represent CMDC and to make this verification on its behalf. The statements in the foregoing document relating to CMDC are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

  
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Ben K. Clark  
Contracts Manager

August 26, 2013