

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Gogo LLC (“Gogo”), which holds a license to operate an earth station aboard aircraft (“ESAA”) network,¹ hereby requests special temporary authority (“STA”) for a period of 60 days commencing on or before December 31, 2013, to permit up to 15 Gogo ESAA terminals to communicate with the U.S.-licensed Intelsat 904 and Eutelsat 172A spacecraft. Grant of the requested STA will serve the public interest by allowing Gogo to expand the service area of the Gogo ESAA network in response to customer demand for coverage of Russia. Gogo seeks STA pending Commission action on Gogo’s recent application to modify its ESAA license, which includes a request to add Intelsat 904 and Eutelsat 172A as authorized points of communications.²

Background: In May the Commission granted Gogo a blanket license authorizing it to operate up to 1000 Ku-band terminals with seven specified satellites for ESAA service in U.S. airspace, foreign airspace, and the airspace over international waters. That license was issued based on Gogo’s demonstration that its proposed network would enhance competition in the provision of in-flight broadband service to air travelers and airline crew members. Gogo also showed that its planned operations were fully consistent with technical standards designed to ensure protection of other authorized communications networks. The license issued to Gogo included detailed terms and conditions of operation embodying these standards.

Earlier this month Gogo applied to modify the Gogo ESAA License. The modification seeks to add four satellites as points of communication for the Gogo network, to modify the technical parameters for operations with two satellites already authorized for use by Gogo, and to conform the terms and conditions of Gogo’s license to the rules and policies adopted in the Commission’s *ESAA Order*.³

STA Request: Pending action on the Gogo Modification Application, Gogo seeks STA to commence communications with the Intelsat 904 and Eutelsat 172A spacecraft. The Gogo Modification Application contains complete technical information regarding Gogo’s proposed operations with these spacecraft, and Gogo incorporates that information by reference herein. As

¹ See *Gogo LLC*, Call Sign E120106, File Nos. SES-LIC-20120619-00574, SES-AMD-20120731-00709 & SES-AFS-20121008-00902, granted May 1, 2013 (the “Gogo ESAA License”).

² See *Gogo LLC*, Call Sign E120106, File No. SES-MFS-20131114-01015 (the “Gogo Modification Application”).

³ *Revisions to Parts 2 and 25 of the Commission’s Rules to Govern the Use of Earth Stations Aboard Aircraft Communicating with Fixed-Satellite Service Geostationary-Orbit Space Stations Operating in the 10.95-11.2 GHz, 11.45-11.7 GHz, 11.7-12.2 GHz and 14-14.5 GHz Frequency Bands*, Notice of Proposed Rulemaking and Report and Order, IB Docket Nos. 12-376 & 05-20, 27 FCC Rcd 16510 (2012) (“*ESAA Order*”).

described in the modification, Gogo proposes to use conventional Ku-band spectrum (14-14.5 GHz) for all uplinks to these satellites. Extended Ku-band spectrum (10.95-11.2 GHz and 11.45-11.7 GHz) will be used for downlinks from Intelsat 904, and conventional Ku-band spectrum (11.7-12.2 GHz) will be used for downlinks from Eutelsat 172A.⁴ Neither satellite will be used in U.S. airspace.⁵

Gogo emphasizes that the scope of this STA request is narrower than that of the pending Gogo Modification Application. Here, Gogo is seeking only authority to add two satellites as authorized points of communication for a small number of ESAA terminals. Gogo is otherwise prepared to operate consistently with the terms and conditions set forth in the existing Gogo ESAA License. In addition, Gogo is willing to operate pursuant to the STA on an unprotected, non-harmful interference basis.

Grant of the requested STA will not adversely affect other authorized operations. Gogo has submitted letters confirming that its proposed ESAA operations have been coordinated with operators of the satellites within six degrees on either side of both Intelsat 904 and Eutelsat 172A.⁶ Gogo's operations with these satellites will also conform to the terms of its agreements with the National Science Foundation and the National Aeronautics and Space Administration, as required by the Gogo ESAA License.⁷ In addition, Gogo will comply with power flux density limits to protect terrestrial services outside the U.S.

The proposed STA will allow Gogo to implement a limited change in its ESAA network to respond to customer requirements pending action on the Gogo Modification Application. Gogo understands that any Commission grant of this STA will be without prejudice to the ultimate determination the Commission will make regarding the modification. In addition, Gogo acknowledges that any action taken pursuant to a grant of the requested STA will be at Gogo's own risk.

⁴ See Gogo Modification Application, Annex 2.

⁵ See *id.*

⁶ *Id.*, Annex 3.

⁷ *Id.*, Narrative at 4. See also Gogo ESAA License at 6, condition 90057.