

## REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Gogo LLC (“Gogo”), which holds a license to operate an earth station aboard aircraft (“ESAA”) network,<sup>1</sup> hereby requests special temporary authority (“STA”) for a period of 60 days commencing on or before March 1, 2014, to permit up to 12 Gogo ESAA terminals to communicate with the Mexican-licensed Satmex 5 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 North and South America. Gogo seeks STA pending Commission action on Gogo’s application to modify its ESAA license, which includes a request to add Satmex 5 as an authorized point of communications.<sup>2</sup>

*Background:* Last 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.

In November Gogo applied to modify the Gogo ESAA License. The modification seeks to add four satellites as points of communication for the Gogo network, to update 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*.<sup>3</sup>

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<sup>1</sup> 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”).

<sup>2</sup> See *Gogo LLC*, Call Sign E120106, File No. SES-MFS-20131114-01015 (the “Gogo Modification Application”). The Gogo Modification Application appeared on the Commission’s public notice of earth station applications accepted for filing on December 18, 2013. See Public Notice, Satellite Radio Applications Accepted for Filing, Report No. SES-01606 (Dec. 18, 2013) at 6. No comments were filed in response to the public notice.

Gogo subsequently filed an amendment to specify additional downlink frequency bands for other satellites included in the Gogo Modification Application, but the amendment does not affect Gogo’s proposed use of Satmex 5. See *Gogo LLC*, Call Sign E120106, File No. SES-AMD-20131226-01208.

<sup>3</sup> *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*

*STA Request:* Pending action on the Gogo Modification Application, Gogo seeks STA to commence communications with Satmex 5. The Gogo Modification Application contains complete technical information regarding Gogo's proposed operations with this spacecraft, and Gogo incorporates that information by reference herein. As described in the modification, Gogo seeks to communicate with this satellite in conventional Ku-band spectrum, 14-14.5 GHz uplink and 11.7-12.2 GHz downlink.<sup>4</sup> Gogo proposes to use Satmex 5 for coverage of North and South America, including within U.S. airspace.<sup>5</sup>

Gogo emphasizes that the scope of this STA request is narrower than that of the pending Gogo Modification Application. Here, Gogo is only seeking authority to add Satmex 5 as an authorized point 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 is consistent with Commission policy and will not adversely affect other authorized operations. Satmex 5 is on the Commission's Permitted Space Station List for operations in the conventional Ku-band.<sup>6</sup> 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 Satmex 5.<sup>7</sup> Gogo's operations with Satmex 5 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.<sup>8</sup> 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 but important change in its ESAA network to respond to customer requirements pending action on the Gogo Modification Application. Authorized access to Satmex 5 will expand Gogo's operational capabilities. For example, Gogo equipment on aircraft traveling on routes between the U.S. and Asia must currently be turned off when the aircraft enters Canadian airspace. Grant of the requested STA will allow Gogo to use Satmex 5 to provide continuous operation on these important routes and

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*Frequency Bands*, Notice of Proposed Rulemaking and Report and Order, IB Docket Nos. 12-376 & 05-20, 27 FCC Rcd 16510 (2012) ("*ESAA Order*").

<sup>4</sup> See Gogo Modification Application, Annex 2.

<sup>5</sup> *Id.*, Narrative at 3-4 & Annex 2.

<sup>6</sup> See *Satélites Mexicanos, S.A. de C.V.*, Call Sign S2589, File Nos. SAT-PPL-20121218-00217 & SAT-APL-20130308-00028, grant-stamped May 31, 2013.

<sup>7</sup> Gogo Modification Application, Annex 3.

<sup>8</sup> *Id.*, Narrative at 4. See also Gogo ESAA License at 6, condition 90057.

will facilitate comprehensive testing of security and authentication protocols. As discussed above, the public notice period for the Gogo Modification Application has expired, and no party has opposed or otherwise commented on Gogo's request to add Satmex 5 as part of its ESAA network.

Gogo understands that any Commission grant of this STA will be without prejudice to the ultimate determination the Commission will make regarding the Gogo Modification Application. In addition, Gogo acknowledges that any action taken pursuant to a grant of the requested STA will be at Gogo's own risk.