

### **EXPLANATORY STATEMENT**

Row 44, Inc. hereby requests Special Temporary Authority (“STA”) for a period of sixty (60) days, pursuant to Section 25.120(b) of the FCC’s Rules, to operate its licensed Ku-band network of Earth Stations Aboard Aircraft (“ESAA”), under Call Sign E080100, with an additional satellite point of communication, AMC-2 at 80.85° W.L. Row 44 has recently filed an application seeking permanent authority to operate with this satellite (as well as another satellite, SES-6 at 40.5° W.L.) as a new point of communication, and to modify operating parameters for use of two other satellites already authorized for Row 44’s use (AMC-9 at 83° W.L. and SES-1 at 101° W.L.). *See* File No SES-MFS-20150318-00064 (“Modification Application”), copy attached hereto. In this STA application, Row 44 seeks authority to permit initiation of service on AMC-2 using up to fifty (50) operating earth stations while this underlying application remains pending. Row 44’s STA operation would change its current authority only through the addition of AMC-2 as a point of communication for this limited number of units under the operating approach outlined in the Modification Application, and its operations would otherwise remain consistent with all terms and conditions of its current license. Proposed operations on AMC-2 would be limited to conventional Ku-band capacity frequencies at 11.7 to 12.2 GHz (downlink) and 14.0 to 14.5 GHz (uplink), as proposed in the pending Modification Application.

All technical and other required information concerning Row 44’s planned use of AMC-2 is contained in the underlying application. *See* Modification Application, File No. SES-MFS-20150318-00064. Row 44’s Modification Application includes a coordination certification letter from SES confirming that its proposed ESAA operations are consistent with coordination arrangements with operators of the satellites within six degrees on either side of AMC-2. *Id.* at Exhibit B. Row 44’s planned operations will also be fully consistent with its existing agreements with the National Science Foundation and the National Aeronautics and Space Administration, and will adhere to the terms and conditions of Row 44’s current license.

Under Section 25.120(b)(1) of the FCC’s Rules, the International Bureau may grant an STA when the public interest supports the relief requested, and/or delay in the institution of temporary operations would be contrary to the public interest. *See* 47 C.F.R. § 25.120(b)(1). Such authority may be granted for a period not to exceed 60 days if the STA Request itself has not appeared on public notice but the applicant has filed a request for permanent authority for the parameters and facilities requested. *See* 47 C.F.R. § 25.120(b)(3).

Grant of the authority requested in this instance will affirmatively serve the public interest by permitting Row 44 to continue to serve existing customers and to expand its ESAA network for the broader benefit of air travelers and airline crew members. Access to this new capacity is urgently needed at this time because higher than expected demand from airline passengers has caused severe congestion on the network, and there are not currently additional capacity options on satellites for which Row 44 has already obtained authorization. If Row 44 finds that it has insufficient bandwidth to operate normally, service availability would be

impaired and the in-flight user experience significantly degraded. Due to these circumstances, Row 44 has been forced to seek authority to add new satellite capacity in a much shorter timeframe than would normally be expected. Addition of AMC-2 to Row 44's existing authority will provide more effective coverage of its primary U.S. service area (CONUS), as well as parts of Central America, the Caribbean and the Atlantic Ocean. This will provide enhanced performance and also make new areas of operation available to U.S. airline passengers that use the Row 44 service. Grant of the requested STA is consistent with Commission policy and will not adversely affect other authorized operations.

Row 44 acknowledges that favorable FCC action on this STA request would be without prejudice to the ultimate determination the FCC will make regarding the Modification Application. In addition, Row 44 acknowledges that any action taken pursuant to a grant of the requested STA will be at its own risk.

The conventional Ku-band capacity that Row 44 seeks to use on AMC-2 will be available in the very near term. Accordingly, Row 44 respectfully requests that the FCC grant it authority for a period of sixty (60) days commencing on or before March 25, 2015 to use the AMC-2 satellite as a point of communication in the conventional Ku-band for up to 50 antennas operating under its FCC ESAA network license. Row 44 desires to begin testing on that date with the objective of commencing service to users during the first week of April.