

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-1 at 129.15° W.L. Row 44 has filed contemporaneously herewith an application seeking the permanent modification of its ESAA license to operate with AMC-1 as a new point of communication (“Modification Application”).

In this STA request, Row 44 seeks authority to permit initiation of service on AMC-1 using up to one hundred (100) earth stations while the forthcoming modification application remains pending. Row 44’s STA operation would change its current authority only through the addition of AMC-1 as an additional point of communication for this limited number of simultaneously operational units under the operating approach outlined in the Technical Appendix to the Modification Application (copy attached), and Row 44’s operations would otherwise remain consistent with all terms and conditions of its current license. Proposed operations on AMC-1 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).

All technical and other required information concerning Row 44’s planned use of AMC-1 is contained in the attached copy of the Modification Application. As stated therein, Row 44’s intended operations will not cause harmful interference into adjacent satellites operating in accordance with FCC’s two-degree spacing policy and are fully compliant with Section §25.227(a)(1)(i)(A) of the Commission’s Rules with respect to the plane of the geostationary (“GSO”) arc. *See* 47 C.F.R. §25.227(a)(1)(i)(A). Although the TECOM antenna will exceed the off-axis EIRP spectral density values set forth in the Commission’s rules for directions other than along the GSO arc (*see* 47 C.F.R. §25.227(a)(1)(i)(B)), it is seeking a waiver of this rule in the Modification Application. A waiver is consistent with precedent concerning the identical rule applicable to vehicle mounted earth stations (*see* 47 C.F.R. §25.226(a)(1)(i)(B)), as fully explained in the Modification Application.¹ Because there are no operational or licensed non-geostationary orbit FSS operators in the Ku-band, no protection of or coordination with such operators is currently required. In the event that a Ku-band NGSO FSS system is launched in the future, Row 44 would enter into coordination with the NGSO FSS system operator to establish operating parameters that permit successful co-frequency sharing, and would modify its

¹ *See, e.g.*, ThinKom Solutions Inc., File No. SES-LIC-20120822-00768, Call Sign E120174, Application, Technical Annex at 19 (granted March 8, 2013); RaySat Antenna Systems, LLC (now Gilat North America, LLC), File No. SES-MFS-20120517-00446, Application, Narrative at 23, and License, Call Sign E060448, at Condition 6582 (granted April 1, 2013) (“The request for waiver of off-axis EIRP spectral density limits for regions outside the GSO arc is granted under the condition that RaySat Antenna Systems, LLC must protect future NGSO satellite system authorizations”).

operations as necessary to effect any coordination agreement reached. 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 where the applicant has filed, or plans to file, a request for permanent authority for the parameters and facilities requested. *See* 47 C.F.R. § 25.120(b)(3). This is the case here.

Grant of the authority requested in this instance will affirmatively promote 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 necessary due to the need to shift ESAA network capacity in the western region of the U.S. to new space segment. 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. Addition of AMC-1 to Row 44's existing authority will provide more effective coverage of transcontinental routes, as well as Row 44's primary U.S. service area (CONUS) and parts of Central America. 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 its forthcoming 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-1 is already available to it. Accordingly, Row 44 respectfully requests that the FCC grant it authority as soon as possible for a period of sixty (60) days to use the AMC-1 satellite as a point of communication in the conventional Ku-band for up to one hundred (100) TECOM antennas now operating under its FCC ESAA network license.