

## **EXPLANATORY STATEMENT**

Row 44, Inc. hereby requests Special Temporary Authority (“STA”) for an additional 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 authorized aeronautical mobile earth stations (“AMES”) transmitting via AMC-1 at 129.15° W.L. Row 44 has filed an application seeking the permanent modification of its ESAA license to operate with AMC-1 as a point of communication (“Modification Application”). *See* File No. SES-MFS-20150928-00635. Row 44 has been granted Special Temporary Authority (“STA”) permitting initiation of service using AMC-1 with up to three hundred (300) AMES while the Modification Application remains pending. *See* File No. SES-STA-20151023-00773 (granted Oct. 7, 2015). The company filed subsequent applications to extend that STA for periods through May 4, 2016 (SES-STA-20151221-00956 and SES-STA-20160229-00176), which remain pending. This application seeks a further sixty-day extension of authority until July 4, 2016.

Row 44 requires the ability to continue operations using AMC-1 on an STA basis because it has fully transitioned its operations over western portions of North America from Satmex 5 (Eutelsat 115 West A) to AMC-1. The underlying Modification Application has not yet appeared on an Accepted for Filing Public Notice, so an additional period of STA operation on AMC-1 is required to extend the previously granted authority, which is of a continuing nature.<sup>1</sup>

Row 44 has been using AMC-1 for a period of nearly six months under STA and its operations are otherwise consistent with all terms and conditions of its current license. Proposed operations on AMC-1 are 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 use of AMC-1 is contained in the pending Modification Application.

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. *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 a request for permanent authority. *See* 47 C.F.R. § 25.120(b)(3). This is the case here. Grant of the authority requested in this instance will promote the public interest by permitting Row 44 to continue to serve existing customers using capacity on the AMC-1 satellite. Continued use of this space segment will maintain 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

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<sup>1</sup> *See* 5 U.S.C. § 558(c) (“When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency”).

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

The conventional Ku-band capacity that Row 44 seeks to use on AMC-1 is already in use. Accordingly, Row 44 respectfully requests that the FCC grant it authority effective May 5, 2016 for an additional period of sixty (60) days, until July 4, 2016, to transmit in the conventional Ku-band via the AMC-1 satellite using up to three hundred (300) deployed TECOM AMES that operate under its FCC ESAA network license.