

## **EXPLANATORY STATEMENT**

Row 44, Inc., pursuant to Section 25.120(b) of the FCC's Rules, hereby requests Special Temporary Authority ("STA") for a period of sixty (60) days to operate its licensed Ku-band network of Earth Stations Aboard Aircraft ("ESAA") (Call Sign E080100), using space segment capacity on the Eutelsat 115 West B ("E115WB") satellite at 114.9° W.L. Row 44 is preparing to file an amendment to its currently pending modification application, File No. SES-MFS-20150928-00635 ("Modification Application"), seeking to modify its ESAA license to operate with E115WB as a point of communication ("Amendment"). Prior to grant of that authority, Row 44 seeks permission to operate using E115WB on a non-protected, non-harmful-interference basis.

Row 44 seeks interim authority to employ capacity on E115WB as this capacity is already available to it for flights transiting Canadian airspace, and it desires to enhance the availability of its service by allowing gate-to-gate connectivity on flights beginning and terminating in the Pacific Northwest, Alaska and the northeastern U.S. Row 44's operations would otherwise remain consistent with all terms and conditions of its current license. Proposed operations on E115WB would be limited to conventional Ku-band capacity frequencies at 11.7 to 12.2 GHz (downlink) and 14.05 to 14.47 GHz (uplink).

Row 44's operations will not cause harmful interference into adjacent satellites operating in accordance with FCC's two-degree spacing policy. Although the proposed operations are not fully compliant with Section §25.227(a)(1)(i) of the Commission's Rules, Row 44 has obtained, and provides as an attachment hereto, a coordination certification from Eutelsat in accordance with Sections 25.227(b)(2) of the Commission's Rules. Row 44's 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 the applicant "plans to file a request for regular authority for the service." *See* 47 C.F.R. § 25.120(b)(3). This is the case here, where Row 44 anticipates filing for permanent authority via an amendment to its pending Modification Application within the next thirty days.

Grant of the authority requested in this instance will promote the public interest by permitting Row 44 to provide enhanced service to existing customers using capacity on the E115WB satellite. Additional use of the E115WB space segment will help maintain effective coverage of transcontinental routes that begin or end in U.S. airspace. 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 pending Modification Application and the forthcoming amendment thereto. In addition, Row 44 acknowledges that any action taken pursuant to a grant of the requested STA will be at its own risk.

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The conventional Ku-band capacity that Row 44 seeks to use on E115WB is already available to it and in use for provision of service on flights transiting Canadian airspace. Accordingly, Row 44 respectfully requests that the FCC grant it authority by May 19, 2016, for a period of sixty (60) days, to use the E115WB satellite as a point of communication in the conventional Ku-band in the United States using TECOM AMES now operating under its FCC ESAA network license.