

## **EXPLANATORY STATEMENT**

Row 44, Inc. hereby requests Special Temporary Authority (“STA”), pursuant to Section 25.120(b) of the FCC’s Rules, to operate its licensed Ku-band network of Earth Stations Aboard Aircraft (“ESAA”) (Call Sign E080100), using space segment capacity on the SES, S.A. (“SES”) AMC-2 satellite at 84.85° W.L. (“AMC-2”) for an initial period of sixty (60) days beginning on June 30, 2016. Row 44’s current license allows it to use AMC-2 at its prior orbital location at 80.85° W.L.

### **Summary of Requested Authority**

On June 14, 2016, Row 44 filed an amendment to its currently pending license modification application, FCC File No. SES-MFS-20150928-00635 (“Modification Application”), which seeks permanent modification of its ESAA license to operate with AMC-2 as a point of communication at 84.85° W.L. (“Amendment”). *See* File No. SES-AFS-20160614-00506. All technical and other required information concerning Row 44’s proposed use of AMC-2 is contained in the Amendment.

SES has applied to the Commission to relocate AMC-2 to 84.85° W.L. and to operate it in the conventional Ku-band on a co-located basis with AMC-16, which is leased to EchoStar Satellite Operating Corporation (“EchoStar”). *See* FCC File No. SAT-MOD-20160329-00029. SES has also sought Special Temporary Authority (“STA”) to operate this capacity at that location pending final action on its modification request. *See* FCC File No. SAT-STA-20160603-00054 (this application was granted, in part, on June 8, 2016 to allow the drift of the satellite to 84.85° W.L., while final action on the request to operate has been temporarily deferred).

As stated in the Amendment, Row 44’s 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 exceeds 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)), the Amendment includes a coordination certification letter under Section 25.227(b)(2) of the FCC’s Rules signed by EchoStar, which will utilize the AMC-2 capacity at 84.85° W.L. and has coordinated the space segment use at this orbital location.

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. 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.

**Row 44 Requires Authority to Use AMC-2 at 84.85° W.L. beginning June 30, 2016**

Pursuant to an STA granted May 23, 2016, Row 44 has been operating its ESAA network using AMC-6 at 72° W.L. as interim replacement capacity for AMC-2 during its relocation. AMC-2 will soon reach its destination at 84.85° W.L., at which time, assuming grant of an STA for SES to operate the space segment at that location, Row 44 will need to begin transitioning its operations from AMC-6 back to AMC-2, a process that is currently expected to occur over a period of approximately one month, concluding in early August 2016. Row 44's AMC-6 STA was recently renewed for an additional 30-day term, until July 22, 2016 (see FCC File No. SES-STA-20160615-00521, granted 6/17/2016), and will likely require one additional 30-day extension in order to cover this transition period. Row 44's STA operations using AMC-2 would otherwise remain consistent with all terms and conditions of its current ESAA 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).

**Grant of the Requested Authority Will Promote the Public Interest**

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 sixty (60) days where the applicant has filed 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, as detailed above.

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-2 satellite to maintain its current operations and coverage. Access to this capacity is necessary due to the need to transition its ongoing ESAA network operations over the continental United States (CONUS) from their temporary home on AMC-6 at 72° W.L. back to the previously employed capacity on AMC-2, once relocated to its new location at 84.85° W.L. Row 44 expects that it will need to make this transition beginning next week in order to continue operating normally, a result that is clearly in the public interest. Transitioning back to the AMC-2 space segment will help maintain effective coverage of transcontinental airline routes in Row 44's primary U.S. service area (CONUS). 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 amended 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.

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The conventional Ku-band capacity that Row 44 seeks to use on AMC-2 is expected to be available on or about July 1, 2016. Accordingly, Row 44 respectfully requests that the FCC grant it authority no later than June 30, 2016, for a period of sixty (60) days to use the AMC-2 satellite at 84.85° W.L. as a new/modified point of communication in the conventional Ku-band under its FCC ESAA network license.