

## REQUEST FOR SPECIAL TEMPORARY AUTHORITY

AC BidCo LLC (“AC BidCo”), which holds a license to operate an earth station aboard aircraft (“ESAA”) network,<sup>1</sup> hereby requests special temporary authority (“STA”) for a period of 60 days commencing as soon as possible but no later than October 26, 2016, to permit up to 200 ESAA terminals to communicate in the conventional Ku-band with the Gibraltar-licensed AMC-21 satellite located at 124.9° W.L. The Commission placed AMC-21 on the Permitted Space Station List for operations at this location in the conventional Ku-band,<sup>2</sup> and complete technical information regarding the satellite is therefore already on file with the Commission. Grant of the requested STA will serve the public interest by allowing AC BidCo to respond to urgent customer demand for additional capacity on flights in U.S. airspace. AC BidCo seeks STA pending Commission action on AC BidCo’s application to modify its ESAA license, which includes a request to add AMC-21 as an authorized point of communication.<sup>3</sup>

*Background:* AC BidCo is currently authorized to operate two types of Ku-band terminals with specified satellites for ESAA service in U.S. airspace, foreign airspace, and the airspace over international waters. AC BidCo’s license was issued based on demonstration that the proposed network would enhance competition in the provision of in-flight broadband service to air travelers and airline crew members and that the planned operations were fully consistent with technical standards designed to ensure protection of other authorized communications networks. In order to enhance and expand its ESAA operations, AC BidCo is seeking to modify the AC BidCo ESAA License to add seven new satellites as points of communication for the AC BidCo network and to update certain technical parameters.

*STA Request:* Pending action on the AC BidCo Modification Application, AC BidCo seeks STA to commence communications with AMC-21. The AC BidCo Modification Application contains complete technical information regarding AC BidCo’s proposed operations with AMC-21, and AC BidCo incorporates that information by reference herein. As described in the modification, AC BidCo seeks to communicate with AMC-21 in the conventional Ku-band, with uplinks in the 14-14.5 GHz band and downlinks in the 11.7-12.2 GHz band.<sup>4</sup> AC BidCo

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<sup>1</sup> See Call Sign E120106, File No. SES-MFS-20151022-00735, granted June 30, 2016 (the “AC BidCo ESAA License”). The ESAA license was granted to Gogo LLC (“Gogo”), a commonly-owned affiliate of AC BidCo. A *pro forma* assignment of the ESAA license from Gogo to AC BidCo was approved by the Commission and consummated earlier this year. See File No. SES-ASG-20160714-00659, granted July 19, 2016.

<sup>2</sup> See *SES Satellites (Gibraltar) Limited*, Call Sign S2676, File Nos. SAT-ASG-20080609-00120 & SAT-PPL-20080929-00203, grant-stamped Aug. 6, 2008.

<sup>3</sup> See Call Sign E120106, File No. SES-MFS-20160824-00738 (the “AC BidCo Modification Application”).

<sup>4</sup> See AC BidCo Modification Application, Narrative at 5.

proposes to use AMC-21 for service to the United States.<sup>5</sup> AC BidCo requires access to this capacity to ensure that it has sufficient bandwidth to meet near-term customer demand for in-flight connectivity.

AC BidCo emphasizes that the scope of this STA request is narrower than that of the pending AC BidCo Modification Application. Here, AC BidCo is only seeking authority to add AMC-21 as an authorized point of communication for a limited number of ESAA terminals. AC BidCo is otherwise prepared to operate consistently with the terms and conditions set forth in the existing AC BidCo ESAA License. In addition, AC BidCo is willing to operate pursuant to the STA on an unprotected, non-harmful interference basis.

Grant of the requested STA is consistent with Commission policy and will not adversely affect other authorized operations. AC BidCo has submitted a letter confirming that its proposed ESAA operations have been coordinated with operators of the satellites within six degrees on either side of AMC-21.<sup>6</sup> AC BidCo's operations with this spacecraft will also conform to the terms of its agreements with the National Science Foundation and the National Aeronautics and Space Administration, as required by the AC BidCo ESAA License.<sup>7</sup> In addition, AC BidCo will comply with power flux density limits to protect terrestrial services outside the U.S.

Grant of the proposed STA will allow AC BidCo to respond to urgent customer demand for increased capacity on important air transport routes over the U.S., promoting competition in the provision of aeronautical services and expanding the availability of in-flight broadband to air travelers and crew members.

AC BidCo understands that any Commission grant of this STA will be without prejudice to the ultimate determination the Commission will make regarding the AC BidCo Modification Application. In addition, AC BidCo acknowledges that any action taken pursuant to a grant of the requested STA will be at AC BidCo's own risk.

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<sup>5</sup> *Id.*

<sup>6</sup> AC BidCo Modification Application, Annex 3.

<sup>7</sup> *Id.*, Narrative at 6. *See also* AC BidCo ESAA License at 9, condition 90304.