

## **EXPLANATORY STATEMENT**

Row 44, Inc., pursuant to Section 25.120(b) of the FCC's Rules, hereby seeks Special Temporary Authority ("STA") for an additional thirty (30) days, until April 9, 2017, 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-6 satellite ("AMC-6") at 67° W.L. The capacity on AMC-6 is already being used pursuant to STA (*see* FCC File Nos. SES-STA-20161207-00932, SES-STA-20161223-00971 and SES-STA-20170130-00104) as interim replacement capacity for AMC-3, which is currently included in the Row 44 license and has been relocated to 72° W.L. Initially, Row 44 expected to operate the AMC-6 capacity at 67° W.L. only until January 2017. However, Row 44 now expects to use capacity at both 72° W.L. and 67° W.L. for the foreseeable future, and is expecting to transition its operations at 67° W.L. to the new SES-10 satellite, when it arrives on station this spring. Row 44 anticipates amending its currently pending license modification application (FCC File No. SES-MFS-20170221-00188, originally filed as SES-MFS-20170126-00061) in the near term to add SES-10 at 67° W.L. as an additional point of communication.

Row 44's current operations on AMC-6 at 67° W.L. are subject to the existing coordination certification letter from SES with respect to AMC-3 under Section 25.227(b)(2) of the Commission's Rules and to all other conditions of its existing license. In providing its fleet management notification under Section 25.118(e) of the Commission's Rules, SES expressly stated that "it will operate within the technical parameters currently licensed and coordinated for AMC-3 ... at that location." FCC Public Notice, "Policy Branch Information: Satellite Space Station Applications Accepted for Filing," Report No. SAT-01194 (released October 21, 2016). Accordingly, there has been no change in Row 44's operations at this orbital location and the coordination certification provided for this slot remains valid.

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 30 days "if the STA request has not been placed on public notice, and an application for regular authority is not contemplated." *See* 47 C.F.R. § 25.120(b)(4). Because Row 44 will not be filing an application for permanent access to AMC-6 at 67° W.L., its request is limited to thirty (30) days duration.

Grant of the additional authority requested here will promote the public interest by permitting Row 44 to continue providing service to its customers using capacity on the AMC-6 satellite temporarily in lieu of its prior capacity on AMC-3 and until SES-10 commences operation at the same orbital location. Use of AMC-6 will help maintain effective coverage of all U.S. domestic routes currently served by Row 44. Grant of the requested STA is consistent with Commission policy and will not adversely affect other authorized operations. Row 44 acknowledges that any action taken pursuant to a grant of the requested STA will be at its own risk, and respectfully requests that the FCC grant it authority not later than March 10, 2017, the expiration date of its current STA, for an additional period of thirty (30) days to use the AMC-6 satellite as a point of communication in the conventional Ku-band in the United States using TECOM antennas now operating under its FCC ESAA network license.