EXPEDITED ACTION REQUESTED

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

AC BidCo LLC ("AC BidCo"), which holds a license to operate an earth station aboard aircraft ("ESAA") network,[1] hereby requests immediate special temporary authority ("STA") for a period of 30 days to permit up to 100 AeroSat model HR6400 ESAA terminals and up to 100 ThinKom model 2Ku ESAA terminals to communicate in conventional and extended Ku-band frequencies with the U.S.-licensed AMC-4 satellite at 85° W.L. Grant of the requested STA will serve the public interest by allowing AC BidCo to maintain service continuity during efforts by SES to restore capacity at 83° W.L. following the anomaly suffered by the AMC-9 satellite.

Background

AC BidCo is authorized to operate 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.

STA Request

AC BidCo is seeking authority to use AMC-4 as a point of communication on an interim basis to replace capacity it had been using on the AMC-9 satellite. Following the AMC-9 anomaly, AC BidCo received an STA to use SES's AMC-6 satellite at 85° W.L. for ESAA traffic that had been carried by AMC-9 at 83° W.L.[2] In order to provide a longer-term solution to restore service at 83° W.L., SES has indicated that it plans to relocate AMC-6 from 85° W.L. to 83° W.L.[3] SES has requested authority to use its AMC-4 satellite, which recently began drifting from 67° W.L. to 134.9° W.L., as a bridge satellite to carry traffic currently on AMC-6 during the planned relocation of AMC-6.[4]

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1 *See* Call Sign E120106, File Nos. SES-MFS-20170109-00015 & SES-AFS-20170208-00139, granted in part and deferred in part Apr. 12, 2017 (the "AC BidCo ESAA License").

2 AC BidCo LLC, File No. SES-STA-20170619-00660 ("AC BidCo AMC-6 STA Request"), granted June 20, 2017 ("AC BidCo AMC-6 STA").

3 SES Americom, Inc., File No. SAT-STA-20170623-00096 (the "AMC-6 STA Request").

4 SES Americom, Inc., File No. SAT-STA-20170623-00094 (the "AMC-4 STA Request").

Specifically, the proposed schedule described by SES[5] is as follows:

- June 29: AMC-4 arrives at 85° W.L., and SES begins transferring traffic from AMC-6 at 85° W.L. to AMC-4
- June 30: Following traffic transfer to AMC-4, AMC-6 begins to drift to 83° W.L.
- July 3: AMC-6 arrives at 83° W.L., and traffic transfer from AMC-4 back to AMC-6 begins
- July 7: Once traffic transfer is completed, AMC-4 resumes its drift to 134.9° W.L.

AC BidCo requests STA to permit it to use AMC-4 during the relocation of AMC-6. As discussed above, the Commission has authorized AC BidCo's use of AMC-6 at 85° W.L. pursuant to the AC BidCo AMC-6 STA. Temporarily shifting that traffic to AMC-4 at 85° W.L. will not result in any changes to the AC BidCo operations at that orbital location. As SES has noted, AMC-4 and AMC-6 were designed and built to the same specifications.[6] Thus, the temporary substitution of AMC-4 for AMC-6 will be transparent to AC BidCo and its customers.

Like AMC-6, AMC-4 is a U.S.-licensed satellite, so full technical data regarding the satellite is already on file with the Commission,[7] and AC BidCo incorporates that information by reference herein. The technical parameters of AC BidCo's proposed operations with AMC-4 are consistent with those specified in the AC BidCo AMC-6 STA and the AC BidCo ESAA License.[8]

AC BidCo seeks authority to use AMC-4 capacity for ESAA operations on a primary basis in the 14-14.5 GHz uplink spectrum and the 11.7-12.2 GHz downlink spectrum and on an unprotected basis in the 11.45-11.7 GHz downlink spectrum, consistent with the terms described in the AMC-4 STA Request and the Commission's orders in the ESAA proceeding.[9]

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5 AMC-6 STA Request, Narrative at 2-3.

6 *Id.*, Narrative at 3.

7 *See* AMC-4 STA Request.

8 Operations of the AC BidCo ESAA terminals with AMC-4 will not involve any increase in the maximum off-axis EIRP density levels previously described to the Commission.

9 *Revisions to Parts 2 and 25 of the Commission's Rules to Govern the Use of Earth Stations Aboard Aircraft Communicating with Fixed-Satellite Service Geostationary-Orbit Space Stations Operating in the 10.95-11.2 GHz, 11.45-11.7 GHz, 11.7-12.2 GHz and 14-14.5 GHz Frequency Bands*, Notice of Proposed Rulemaking and Report and Order, IB Docket Nos. 12-376 & 05-20, 27 FCC Rcd 16510 (2012); Second Report and Order and Order on Reconsideration, IB Docket No. 12-376, 29 FCC Rcd 4226 (2014).

Communications with the satellite will be supported by a teleport in Woodbine, MD, Call Sign E920698.

In support of the AC BidCo AMC-6 STA Request, AC BidCo attached two coordination letters confirming that its proposed ESAA operations at 85° W.L. in the conventional and extended Ku-band frequencies are consistent with coordination agreements with operators of the satellites within six degrees on either side of that location. Because AMC-4 is technically identical to AMC-6, AC BidCo refers to those letters as support for the instant STA request.

Like AMC-6, AMC-4 will provide coverage of North America. AC BidCo requires immediate access to this satellite to provide continuity for service that was interrupted when AMC-9 unexpectedly ceased operations.

AC BidCo emphasizes that the scope of this STA request is limited. AC BidCo is only seeking authority to add AMC-4 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's proposed operations with AMC-4 are consistent with coordination agreements with adjacent satellite operators and will also conform to the terms of AC BidCo's agreements with the National Science Foundation and the National Aeronautics and Space Administration. In addition, AC BidCo will comply with power flux density limits to protect terrestrial services outside the U.S.

Grant of STA on less than three business days' notice is justified under the facts here. Section 25.120(a) specifies that an STA request received less than three working days in advance can be accepted "upon due showing of extraordinary reasons" why the request could not have been filed earlier. In this case, the anomaly affecting AMC-9 occurred suddenly and without warning, and SES only recently developed its plan for restoring service at 83° W.L. As a result, AC BidCo was unable to anticipate the need for replacement capacity and submit this request with more advance notice.

Grant of the proposed STA will allow AC BidCo to maintain continuity of service on important North American air transport routes, including in U.S. airspace, promoting competition in the provision of aeronautical services and expanding the availability of in-flight broadband to air travelers and crew members.