

## **EXPLANATORY STATEMENT**

Anuvu Licensing Holdings, LLC (“Anuvu”),<sup>1</sup> pursuant to Section 25.120(b) of the FCC’s Rules, hereby requests Special Temporary Authority (“STA”) for an initial period of sixty (60) days, beginning December 7, 2021, to the extent required to operate its licensed Ku-band network of Earth Stations Aboard Aircraft (“ESAA”) (Call Sign E080100) using additional space segment capacity on both the Eutelsat 139 West A satellite (“E139WA”) at 139.2° W.L. and the Hispasat 143 West satellite (“H143W”) at 143° W.L. Both satellites are on the FCC’s Permitted List of non-U.S. satellites granted access to the U.S. market. *See* FCC File Nos. SAT-PDR-20191017-00115 (Call Sign S3055) and SAT-PDR-20191205-00143 (Call Sign S3058). Anuvu was granted access to use both of these satellites on a permanent basis in a partial license modification grant issued on November 12, 2021, but the portion of the application seeking permanent access to the 12.2-12.75 GHz band on these two satellites was deferred for later consideration. *See* FCC File No. SES-MFS-20210127-00153 (granted in part/deferred in part, Nov. 12, 2021).

Anuvu filed the underlying application seeking to modify its license on a permanent basis over ten months ago, on January 27, 2021. That application was placed on FCC Public Notice as Accepted for Filing on April 7, 2021. *See* FCC Public Notice, Satellite Communications Services: Satellite Radio Applications Accepted for Filing, Report No. SES-02353 (IB, rel. April 7, 2021). Two parties filed Petitions to Deny, in Part, targeting Anuvu’s proposed reception of signals in the 12.2-12.75 GHz band. Neither party, however, made any affirmative showing that harmful interference was likely to occur from these operations, and Anuvu has made clear that it fully accepts its obligation to operate on a non-interference basis with respect to other authorized users.

There is good cause to grant an STA to allow interim operation in the 12 GHz downlink bands. Indeed, because other providers of aviation connectivity services have previously been granted access to the 12.2-12.75 GHz band on the same terms that Anuvu seeks here, Anuvu is at a potential competitive disadvantage in suffering delayed access to spectrum for which it has contracted. In particular, the Bureau has granted SES Americom Inc. (“SES”) an ESAA license covering operations using the NSS-6 satellite at 169.5° W.L. in bands including the 12.5-12.75 GHz portion of the 12 GHz band and in that same license authorized use of the 12.2-12.45 GHz portion of the band on the SES-14 satellite at 47.5° W.L.<sup>2</sup> This use was authorized for provision of service to Alaska, Hawaii and the Northwestern United States using NSS-6 and to North America generally using SES-14, operations that are somewhat broader in scope than Anuvu

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<sup>1</sup> Effective July 8, 2021, the name of the licensee was changed from GEE Licensing Holdings, LLC in connection with the rebranding of the former Global Eagle connectivity business as Anuvu. Anuvu Operations LLC is the parent company of the licensee.

<sup>2</sup> *See* SES Americom Inc., IBFS File No. SES-LIC-20190603-00713, at 5, Condition 90516 (granted Oct. 15, 2019) (“Reception of downlink transmissions in Region 2, including portions of U.S. airspace, is on a non-interference, non-protected basis from the following geostationary orbit space stations: NSS-6 at 169.5° W.L. in the ... 12.5-12.75 GHz frequency bands; ... SES-14 at 47.5° W.L. in the ... 12.2-12.45 GHz frequency bands”).

seeks in the still pending portion of its modification application. The requested use is also fully consistent with No. 5.492 of the ITU Radio Regulations, which allows non-confirming fixed-satellite service (“FSS”) use in the 12 GHz bands provided that “such transmissions do not cause more interference, or require more protection from interference, than the broadcasting-satellite service transmissions operating in conformity” with the Region 2 plan or the Appendix 30B List in Regions 1 and 3.

In addition, the authorization granted to Eutelsat expressly contemplates transmissions to ESAA/ESIM antennas, and FCC licenses authorize services consistent with the underlying application materials unless the Commission states otherwise. Eutelsat’s Petition for Declaratory Ruling states that the E139WA satellite will operate with ESAAs and other types of Earth Stations in Motion (“ESIMs”) in the 12.5-12.75 GHz band. The E139WA grant also expressly waives Commission rules to allow downlink transmissions in the 12.5-12.75 GHz band on an unprotected, non-harmful-interference basis. Thus, the E139WA grant indisputably authorizes communication with ESAAs/ESIMs. Anuvu simply seeks to receive these already authorized signals.

Accordingly, there is ample precedent and specific authority granted to the space segment providers for the operational authority that Anuvu seeks in its pending application and in this STA request. Anuvu’s operations employing capacity on the E139WA and H143W satellites will not cause harmful interference to any adjacent satellites operating in accordance with FCC’s two-degree spacing policy. Included as an annex to its modification application are coordination certification letters from Eutelsat and Intelsat (the operator of the H143W satellite), pursuant to Sections 25.228(a) and 25.220(d) of the Commission’s Rules, covering the proposed operations. In the event that the Bureau is unable to grant the remaining authority requested in the still pending portion of Anuvu’s modification application in the near term, permitting these operations on a temporary basis, as requested here, could provide the Bureau with additional information confirming the ability of Anuvu to operate without causing harmful interference and thereby inform final action on the remaining portion of the pending application for permanent authorization.

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 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, where Anuvu has filed an application to modify its license permanently to permit access to E139WA and H143W in the 12.2-12.75 GHz downlink band and that portion of the application remains pending.

Grant of the authority requested here will promote the public interest by permitting Anuvu to provide high-quality service to its customers using needed capacity on the E139WA and H143W satellites. The additional downlink capacity sought in this request remains urgently required to provide sufficient coverage for service for domestic U.S. flight routes connecting cities in the southwestern United States, as well as routes serving the Pacific Ocean region.

Grant of the requested STA is consistent with Commission policy and will not adversely affect other authorized operations despite the unsupported claims to the contrary. Anuvu 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 commencing as of December 7, 2021, for a period of sixty (60) days, to use the E139WA and H143W satellites as points of communication in the 12.2-12.75 GHz downlink band in the United States using the two types of antennas now operating under its FCC ESAA network license.