EXPLANATORY STATEMENT

Row 44, Inc. hereby requests Special Temporary Authority ("STA") for a period of sixty (60) days, pursuant to Section 25.120(b) of the FCC's Rules, to operate its licensed Ku-band network of Earth Stations Aboard Aircraft ("ESAA"), under Call Sign E080100, with additional aeronautical mobile earth stations ("AMES") transmitting via AMC-1 at 129.15° W.L. Row 44 has already filed an application seeking the permanent modification of its ESAA license to operate with AMC-1 as a point of communication ("Modification Application"). *See* File No. SES-MFS-20150928-00635. Row 44 has also been granted Special Temporary Authority ("STA") permitting limited initiation of service using AMC-1 with up to one hundred (100) AMES while the Modification Application remains pending. *See* File No. SES-STA-20150928-00639 (granted Oct. 7, 2015). That STA will expire on December 6, 2015.

Row 44 Requires Additional Authority on or Before November 2, 2015

Due to a change next month in the availability of space segment capacity with coverage of the Western United States, Row 44 will need to modify its STA operations in advance of the expiration of its current STA. In particular, on or about November 15, 2015, Row 44 will lose access entirely to capacity on the Satmex 5 satellite (now known as Eutelsat 115 West A), when that satellite will begin the process of redeployment to a different orbital location. In advance of that date, the company needs to begin shifting operations that use the Satmex 5 (Eutelsat 115 West A) space segment to AMC-1. At that time, it will need the capability to transmit to AMC-1 using up to three hundred (300) AMES, rather than the 100 currently authorized for this satellite. The Modification Application has not yet appeared on an Accepted for Filing Public Notice, so that the Bureau will not be in a position to act on it prior to the time that expanded additional space segment capacity on AMC-1 is required.

Row 44 has already been using AMC-1 for a period of several weeks under the existing STA. Its operations under the requested new STA would change only through an increase the number of AMES operating with AMC-1 under the approach that is outlined in the Technical Appendix to the Modification Application. Row 44's operations would otherwise remain consistent with all terms and conditions of its current license. Proposed operations on AMC-1 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). Such an STA would also appropriately be subject to all of the conditions in the current STA issued on October 7, 2015, including that requirement that it operate on a non-protected, non-harmful-interference basis.

All technical and other required information concerning Row 44's use of AMC-1 is contained in the pending Modification Application. As stated therein, 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)), it is seeking a waiver of this rule in the Modification Application. A waiver is consistent with precedent concerning the identical rule applicable to vehicle mounted earth stations (*see* 47 C.F.R §25.226(a)(1)(i)(B)), as fully explained in the Modification Application.[1] Because there are no operational or licensed non-geostationary orbit Fixed-Satellite Service ("NGSO FSS") operators in the Ku-band, no protection of or coordination with such operators is currently required. 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.

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 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.

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-1 satellite as needed to maintain its current operations and coverage. Access to this capacity is necessary due to the need to shift current ESAA network operations in the western region of the U.S. from Satmex 5 (Eutelsat 115 West A) to the space segment available on AMC-1. If Row 44 were to have insufficient bandwidth to operate normally, service availability would be impaired and the in-flight user experience significantly degraded, a result that clearly would be contrary to the public interest. Additional use of the AMC-1 space segment will help maintain effective coverage of transcontinental routes, as well as Row 44's primary U.S. service area (CONUS) and parts of Central America. 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 Modification

[1] *See, e.g.*, ThinKom Solutions Inc., File No. SES-LIC-20120822-00768, Call Sign E120174, Application, Technical Annex at 19 (granted March 8, 2013); RaySat Antenna Systems, LLC (now Gilat North America, LLC), File No. SES-MFS-20120517-00446, Application, Narrative at 23, and License, Call Sign E060448, at Condition 6582 (granted April 1, 2013) ("The request for waiver of off-axis EIRP spectral density limits for regions outside the GSO arc is granted under the condition that RaySat Antenna Systems, LLC must protect future NGSO satellite system authorizations").

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-1 is already available to it and in partial use. Accordingly, Row 44 respectfully requests that the FCC grant it authority as soon as possible, and no later than November 2, 2015, for a period of sixty (60) days to use the AMC-1 satellite as a point of communication in the conventional Ku-band for up to three hundred (300) TECOM AMES now operating under its FCC ESAA network license.