

April 21, 2014

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

**Re: *Ex Parte* Comment
GN Docket No. 13-114; RM-11640**

Dear Ms. Dortch:

Gogo Inc. (“Gogo”) submits this letter as a follow-up to its original comments filed in the above-referenced docket, and to its previously-reported March 26, 2014 *ex parte* meeting with staff of the Wireless Telecommunications Bureau.¹

In its comments and at the meeting, Gogo urged the Commission to adopt a five-year substantial service deadline for the proposed 14 GHz air-ground mobile broadband service.² Qualcomm, apparently the only other commenter to address the substantial service issue, also supported a five-year deadline.³ Gogo has explained that developing new 14 GHz air-ground equipment, obtaining initial FAA certification for the airborne components, and constructing the approximately 200 base stations needed to cover U.S. airspace could easily be achieved in less than five years.⁴

Nevertheless, to the extent the Commission is concerned that a new entrant, lacking Gogo’s many years of experience in the inflight communications sector, might require additional time to compile the expertise to complete an air-ground network, Gogo proposes the following alternative substantial service formulation:

- Within four years, the licensee will be required to demonstrate that it has met an interim construction benchmark, consisting of:

¹ See Comments of Gogo Inc., GN Docket No. 13-114 (Aug. 26, 2013) (“Gogo Comments”); Letter from Michele Farquhar, Hogan Lovells, to Marlene Dortch, Secretary, FCC, GN Docket No. 13-114 (Mar. 28, 2014) (“Gogo Ex Parte Notice”).

² See Gogo Comments at 8-9.

³ See Reply Comments of Qualcomm, GN Docket No. 13-114 (Sept. 23, 2013) at 12.

⁴ See Gogo Ex Parte Notice.

- (a) Obtaining at least one Supplemental Type Certificate (“STC”) from the FAA for the installation of the airborne radio components in a commercial aircraft; and
 - (b) Installing (but not necessarily operating) at least 50 base stations.
- Within seven years, the licensee will be required to make its final substantial service showing. The licensee may rely on the safe harbor proposed in the NPRM.⁵

Providing for an interim construction benchmark would be consistent with FCC precedent in other services. For example, AWS-4 licensees must offer service to 40 percent of the population in their licensed areas within four years after license grant, and must meet their Final Buildout requirement (70 percent population coverage) within seven years.⁶ Likewise, the FCC required Phase I Nationwide 220 MHz licensees to construct and put into service enough base stations to provide service to at least 10 percent of the geographic areas designated in their license application within two years, 40 percent within four years, 70 percent within six years and 100 percent within ten years.⁷ Similarly, in the satellite context, the FCC imposes interim construction “milestones.” For example, most geostationary satellite space station licensees are required to: enter into a binding construction contract within one year; complete critical design review within two years; begin construction within three years; and launch and operate the satellite within five years.⁸ As in these other services, an interim construction benchmark in the proposed 14 GHz service will help ensure that licensees work diligently to construct their networks, and that the spectrum is not warehoused.

I am filing this notice electronically in the above-referenced docket. Please contact me directly with any questions.

Respectfully submitted,

/s/ Michele C. Farquhar

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⁵ *Expanding Access to Broadband and Encouraging Innovation through Establishment of an Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0-14.5 GHz Band*, Notice of Proposed Rulemaking, FCC 13-66, GN Docket No. 13-114 (rel. May 9, 2013) ¶ 77 (“The construction and operation of base stations that provide robust, uninterrupted service to all routes within the contiguous United States between 50 or more airports classified as large or medium hubs (as measured by the most recent FAA data for annual passenger enplanements).”).

⁶ 47 C.F.R. § 27.14(q).

⁷ 47 C.F.R. § 90.725(a).

⁸ 47 C.F.R. § 25.164(a).