



Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

Amendment of the Commission's Rules to Promote ) WT Docket No. 19-140  
Aviation Safety )  
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**COMMENTS OF ANDRÉ FOUCHÉ,  
CONVERGEX TECHNOLOGIES**

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "A. Fouché", written over a horizontal line.

BY: ANDRÉ FOUCHÉ



August 13, 2019

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: *Amendment of the Commission's Rules to Promote Aviation Safety, WT Docket  
No. 19-140*

Dear Ms. Dortch:

ConvergEX Technologies ("ConvergEX") is an aggregator of best of breed technologies in the Wireless Networks environment and through a network of partners we represent, we provide our customers with turnkey solutions to deploy these advanced wireless networks. Headquartered in Tampa, Florida USA, ConvergEX has built its relationship base over far reaching geographies across Emerging Markets and Europe and the US and extending influence to draw on capabilities from leading edge environments across the globe.

ConvergEX Technologies has successfully emerged as a leader in the provision of hardware solutions for the AEROMACS industry and is an active member of the WiMAX Forum ®.

On behalf of ConvergEX Technologies, I wish to express comments for the Amendment of the Commission's Rules to Promote Aviation Safety.

## **Background**

ConvergEX considers the worldwide deployment of AeroMACS an enabler to bring significant safety and efficiency benefits to air travelers, airline operators, cargo operators, airports, equipment manufacturers, and many others.

The FCC has adopted globally harmonized allocations for AeroMACS in the 5000-5030 MHz and 5091-5150 MHz bands, the adoption of service rules will help promote investments in AeroMACS products and services and improve communications on the airport surface. Delay of service rules so far has hindered the widespread deployment of this service in the United States, whereas other countries, particularly in Asia, have deployed broadly and experienced the concomitant benefits.

ConvergEX would like to express its comments to the Commission's Notice of Proposed Rulemaking to Promote Aviation Safety. The NPRM is quite good, however we wish to highlight three specific areas for improvement:

## **I - Eligibility and Licensing**

Airlines plan to use AeroMACS services to improve safety and flight performance. Aeronautical communications network providers (“ACNPs”) play a critical role in facilitating communications in airports to provide a dedicated common user network to aviation users. Manufacturers or prospective users of AeroMACS and their representatives plan to use AeroMACS for purposes of network development and product demonstrations on a temporary basis. It is critical that airlines, ACNPs, manufacturers and prospective users of AeroMACS are included in the FCC’s list of those eligible to apply for spectrum assignments to the Channel Manager.

The proposed rules would unnecessarily complicate access to AeroMACS spectrum for important stakeholders. The rules should not be limited, but include other entities as outlined in the original WiMAX Forum Petition to avoid unnecessary barriers, additional costs and optimize channel access and the use of the AeroMACS services with a license by rule rather than the NPRM’s formulation of licensing on a site-by-site basis. The proposed rules for individual licensing of fixed and mobile AeroMACS networks seem onerous and all interested stakeholders should have equal access to channels in the AeroMACS band as managed by the Channel Coordinator.

## **II - Channel Management Coordination**

To ensure fair management and most efficient exploitation of AeroMACS channels, the FCC should designate as Channel Manager an entity that is a non-profit and impartial and an expert in AeroMACS technology to ensure optimum management of AeroMACS channels.

Coordination should be performed by a single, nationwide Channel Manager to provide AeroMACS users with one point of contact, maximize the efficient use of spectrum, enabling AeroMACS to meet the unique needs of each location.

The Channel Manager shall coordinate channels between non-Federal and Federal AeroMACS users to maximize efficient use of the spectrum at each airport. This coordination will ensure the efficient use of AeroMACS spectrum by employing sharing approaches tailored to the needs of the federal and non-federal AeroMACS users at each airport.

The Channel Manager shall help with the coordination of other authorized users in the band such as Globalstar and operators of flight test systems. The Channel Manager will act as a single point of contact for non-federal AeroMACS users should coordination be needed by the other authorized users of the band.

Under the rule proposed by the WiMAX Forum, the Channel Manager should make its services available on a non-discriminatory basis to all eligible AeroMACS users, ensure nationwide consistency for access to AeroMACS spectrum, and save eligible users time and money. The WiMAX Forum rule also envisions the creation of an oversight board representative of the industry to ensure transparency and provide guidance for the operations of the Channel Manager. We believe any requirement to perform a pre coordination with FAA Regional Offices will surely add delays and costs and is simply not necessary given the coordination implicit between the Channel Manager and the FAA.

### III - Technical Rules

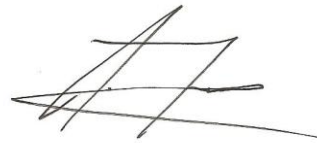
AeroMACS requires the adoption of rules based on international technical standards. The FCC should adopt the proposed technical rules based on the requirements currently incorporated in the International Civil Aviation Organization (ICAO) Standards and Recommended Practices and in the RTCA Minimum Operational Performance Standards.

### Conclusion

ConvergEX wishes to express its appreciation to the FCC for seeking comments on Aviation Services Notice of Proposed Rulemaking proposing services rules for AeroMACS. In light of the significant benefits that will be realized by the swift and widespread deployment of AeroMACS networks, we urge the Commission to expeditiously adopt a Rulemaking proposing service rules for AeroMACS.

The Commission's rules will encourage the deployment of AeroMACS and promote the role of Channel Manager with license by rule operations ensuring the facilitation of the use of the spectrum by other entities such as Communication Network/Service providers, Airports and Airlines. The adoption of applicable rules will aid in efforts to globally harmonize operations in this band, thus speeding deployment of AeroMACS networks in the United States and worldwide.

Respectfully submitted,



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August 13, 2019