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December 19, 2018

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

Re: *WiMAX Forum Petition Proposing Rules for the Aeronautical Mobile Airport Communication System, RM-11793*

Dear Ms. Dortch:

On December 17, 2018, representatives of the WiMAX Forum spoke by telephone with Charles Mathias, Scot Stone, and Tim Maguire of the Wireless Telecommunications Bureau ("WTB") to discuss the above-listed proceeding. Representing the WiMAX Forum were Mark Settle and the undersigned (the "AeroMACS representatives"), both of Wilkinson Barker Knauer LLP.

During the course of the discussion, the AeroMACS representatives reiterated the background of the international and Commission efforts to provide spectrum for AeroMACS. AeroMACS is a standardized airport surface communications system for high capacity aeronautical mobile and fixed broadband communications. Its adoption by the global aviation community reflects a need to establish a new framework for airport surface communications designed to advance the safety and regularity of flight. AeroMACS will improve the safety of U.S. air travelers by, among other ways, supporting the delivery of critical air traffic control messages over a secure network and by enabling the transmission to pilots of up-to-date information on flight plans, maps, and weather forecasts. In addition, AeroMACS will help minimize flight delays for U.S. air travelers by, among other ways, allowing airport operations teams to increase efficiencies in performing a host of tasks, ranging from coordinating gate operations to snow removal to support for emergency services.

The International Telecommunications Union ("ITU") laid the groundwork for the global harmonization of AeroMACS when it added an aeronautical mobile (route) service allocation for

the 5091-5150 MHz band on an international basis at the World Radio Conference 2007.[1] Since the adoption of this allocation, the WiMAX Forum has helped advance the development of WiMAX system profiles to meet the international requirements for AeroMACS. By building agreement among stakeholders, the WiMAX Forum has played a leading role in advancing the development, testing, and deployment of this vital new communications service. As a result of these efforts, internationally harmonized technical standards have been adopted by the relevant global standards organizations.

In recognition of the growing international demand for AeroMACS, the Commission adopted a primary allocation for AeroMACS in 2015 in the 5091-5150 MHz band.[2] At the same time, the Commission also adopted a co-primary allocation in this band for commercial Aeronautical Mobile Telemetry ("AMT") transmissions from aircraft.[3] The Commission's allocation decision allows for AMT transmissions from aircraft that meet internationally agreed-upon protections for AeroMACS that are set forth in ITU Resolution 418 (Rev. WRC-12).[4] To ensure that AMT operations do not constrain the deployment of AeroMACS, the Commission's rules afford AeroMACS a priority over AMT systems.[5]

In 2017, the WiMAX Forum filed a petition requesting that the Commission initiate the process of promulgating service rules for AeroMACS.[6] The Petition proposes the use of a single Channel Manager to coordinate usage of the 5091-5150 MHz band at and around airports. Before filing the Petition, and in the spirit of its consensus building approach, the WiMAX Forum proactively sought out representatives from other potentially implicated interests,

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[1] ITU-R M. 1827, *Guideline on technical and operational requirements for stations of the aeronautical mobile (R) service (AM(R)S) limited to surface application at airports and for stations of the aeronautical mobile service (AMS) limited to aeronautical security (AS) applications in the 5091-5150 MHz*, ITU, 2007, https://www.itu.int-/dms_pubrec/itu-r/rec/m/R-REC-M.1827-0-200710-S!!PDF-E.pdf, (superseded 2015, https://www.itu.int/rec/RREC-M.1827/en).

[2] Amendment of Parts 1, 2, 15, 25, 27, 74, 78, 80, 87, 90, 97, and 101 of the Commission's Rules Regarding Implementation of the Final Acts of the World Radiocommunication Conference (Geneva, 2007) (WRC-07), Other Allocation Issues, and Related Rule Updates, *Report and Order, Order, and Notice of Proposed Rulemaking*, 30 FCC Rcd 4183, 4209 ¶ 58 (2015).

[3] *Id.*

[4] *Id.*

[5] *Id.* This priority also means that AMT users cannot claim interference protection from AeroMACS users.

[6] *See* Petition of WiMAX Forum for Rulemaking to Adopt AeroMACS Service Rules, RM-11793 (filed Mar. 31, 2017) ("Petition").

including the Federal Aviation Administration ("FAA") and the AMT community, to preview and socialize the proposed rules.[7]

During the meeting with WTB staff, the AeroMACS representatives noted that the record in this proceeding supports the adoption of the service rules proposed by the Forum for the 5091-5150 MHz band, including the Forum's Channel Manager proposal. The single Channel Manager approach is designed to maximize efficient and flexible usage of the 5091-5150 MHz band to meet the unique needs of each location, while preventing hoarding or warehousing of spectrum. A Channel Manager not only will ensure coordination among eligible non-Federal AeroMACS users and provide a single point of contact to facilitate sharing of the band with Federal AeroMACS users, but it will also facilitate sharing of the band with AMT users.[8]

The AeroMACS representatives also stressed that the forthcoming notice of proposed rulemaking in this proceeding should reflect the Commission's previous decision to afford AeroMACS a priority over AMT operations in the 5091-5150 MHz band.[9] The AeroMACS priority, which was adopted at the specific request of the National Telecommunications and Information Administration and the FAA, the nation's expert agency on civil aviation safety matters, is intended to ensure that AeroMACS deployment is not constrained by AMT operations.[10] The proposals contained in the forthcoming notice of proposed rulemaking should reflect this intent.

Finally, the AeroMACS representatives reiterated their interest in the expedited adoption of final service rules for AeroMACS. Consistent with this interest, the AeroMACS representatives urged the Commission to reject firmly any proposals in the record that seek to relitigate the AeroMACS priority or revisit the protections afforded in ITU Resolution 418 (Rev. WRC-12). A firm rejection of such proposals in the forthcoming notice of proposed rulemaking may encourage AMT users to direct their energy towards identifying ways in which they can

[7] Some of the other parties the WiMAX Forum approached include the Airport Council International, the American Association of Airport Executives, Aviation Spectrum Resources Incorporated and airline representatives.

[8] In addition, as the WiMAX Forum addressed previously, a single Channel Manager will help to ensure that AeroMACS operations comply with the protections afforded to non-geostationary-satellite systems in the mobile-satellite service. *See* Letter from Sean Conway, Counsel to the WiMAX Forum, to Marlene H. Dortch, Secretary, Federal Communications Commission, RM-11793 (Sept. 25, 2017).

[9] *See* 47 C.F.R. § 2.106, n. US444B(b).

[10] *See* Letter from Paige R. Atkins, Associate Administrator, Office of Spectrum Management, NTIA, to Julius P. Knapp, Chief, Office of Engineering and Technology, FCC, ET Docket No. 12-338, at 2 (Feb. 11, 2015).

meet the limits set forth in ITU Resolution 418 (Rev. WRC-12) or utilize other spectrum bands allocated for AMT use.[11]

Pursuant to the Commission's rules, this notice is being filed in the above-reference docket for inclusion in the public record. Please contact me should you have any questions.

Sincerely,

/s/ Sean T. Conway
Sean T. Conway

cc: Charles Mathias, Wireless Telecommunications Bureau
Scot Stone, Wireless Telecommunications Bureau
Tim Maguire, Wireless Telecommunications Bureau

[11] *See* 47 C.F.R. § 2.106, n. US444B(a)(2) (requiring transmissions from AMT stations operating in the 5091-5150 MHz band to comply with power flux density limits set forth in International Telecommunications Union Resolution 418 (Rev. WRC-12)).