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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
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Biennial Regulatory Review -- Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97 and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services	)	WT Docket No. 98-20

TO: The Commission

COMMENTS OF
AEROSPACE AND FLIGHT TEST RADIO COORDINATING COUNCIL

Aerospace and Flight Test Radio Coordinating Council ("AFTRCC"), by its counsel, hereby submits its comments on the Notice of Proposed Rulemaking in the above-captioned proceeding (hereinafter the "Notice"; FCC 98-25, released March 18, 1998).

BACKGROUND

AFTRCC is an organization comprised of the major U.S. aerospace manufacturers engaged in the design, development, and production of aircraft, space vehicles, and their major components. Given its members' role in flight testing, AFTRCC serves as the FCC-recognized advisory committee for coordination of the flight test telemetry frequencies shared by Non-Government and Government users. AFTRCC works closely with its counterpart coordinators on the Government side in order to ensure prompt, efficient coordination of the referenced frequencies.

Related to its day-to-day coordination activities is AFTRCC's long and active involvement in spectrum management issues. AFTRCC has been a frequent commentor in FCC rulemakings. More significantly, AFTRCC initiated private sector efforts which led to the

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allocation of radio spectrum for flight test telemetry. This includes notably its 1957 initiative which led to the allocation of the 1435-1535 MHz band for telemetry. More recently, AFTRCC successfully petitioned for policy changes which eliminated potential regulatory handicaps to the global competitiveness of the nascent United States commercial space launch industry. Hence, AFTRCC is uniquely positioned to comment on the implications of proposals which could affect the licensing and utilization of the spectrum allocated for aeronautical telemetry.

DISCUSSION

In its Notice the Commission proposes to dispense with various application filing requirements including, in particular, independent evidence of frequency coordination (id. at para. 85). Instead, the Notice proposes to allow applicants to simply certify that coordination had been completed (id.). However, the Commission goes on to suggest that independent evidence of coordination should perhaps be continued in the case of flight test stations and invites comment on the subject. Id. at para. 86.

As the coordinator for Non-Government use of the shared Government/Non-Government flight test bands, AFTRCC has very definite views on the proposal. In brief, the agency should not change Rule 87.305, the Rule which requires flight test station applicants to include a statement from a recognized frequency coordinating committee evidencing coordination and any recommended technical specifications to be included in the authorization. There are several reasons for this.

First. Flight test stations present unique safety considerations. In particular, the Commission has recognized that interference to telemetry signals can jeopardize the safety of an aircraft and its pilot. *See Order*, 5 FCC Rcd. 4641, 4642 (released July 24, 1990)(stating that because significant, harmful interference could occur to aircraft undergoing testing, "[a]llowing

secondary use [of flight test] frequencies would impair the efficiency and safety of the flight test industry"); *First Report and Order*, 4 FCC Rcd. 3493, 3503-4 (released April 18, 1989)(determining that flight test operations should not share spectrum with unlicensed devices because of the threat to safety of life.) Flight testing often stresses an aircraft to its maximum design levels, and beyond. In such an environment it is imperative that the licensing methods employed for the associated radio channels be as fail-safe, interference-wise, as possible; that is, each applicant should make an affirmative showing beyond a mere self-serving representation that it has secured the appropriate frequency coordination. Supplying a copy of a coordination statement from an independent frequency coordinator is the most effective means of ensuring that that coordination has occurred.

Second. Frequency coordination in the flight test environment is unlike any other coordination process relied upon by the Commission. It is a multi-layered process involving coordination not just between and among civil users (e.g. airframe manufacturers), but also coordination between civil and military users, hourly coordination at the field level, and even on occasion coordination at the national level. AFTRCC (for FCC applicants) and Area Frequency Coordinators (for Government applicants) are the focal points for this coordination process. The process has developed over many years of experience and dialogue between AFTRCC and its Government counterparts. No mere applicant should be allowed to "certify" that such a process has been properly completed, if only because most applicants would have not the vaguest notion of what it is that they would be certifying to. Nor should the Commission entertain such certifications.

Third. The need for written evidence of certification is becoming more, not less, important. As a result of recent World Radiocommunication Conferences and domestic

implementation decisions, flight testing has lost over one-third of its spectrum inventory during the past ten years. At the same time, telemetry data rates, and hence bandwidth requirements, have grown dramatically: Where 1 MHz channels were the norm eight years ago, 3 and 5 MHz channels are more typical today. In other words more usage is competing for less spectrum. In such an environment, coordination -- including independent confirmation of coordination from a competent third-party -- is even more important.

Finally. Reliance on certification would deprive the current licensing process of the reliable, self-executing discipline which written coordination statements supply. By contrast, self-certification would be inherently difficult to police: How would the Commission know whether coordination had been properly completed and whether the precise technical parameters applied for match those that had been coordinated? Certification would also place an added burden of verification and enforcement on third-parties rather than the cost-causer, i.e. the applicant. In this respect, self-certification would work directly against the bedrock principle that one group of telecom users not be required to effectively subsidize another.[1]

[1] To be sure, the Commission could ask AFTRCC to forward recommendation letters directly to Gettysburg as a check against applicant certifications. But how would this simplify the licensing process? In order for this to work, someone at the Commission would presumably be put to the task of attempting to marry recommendation letters with applications. This is the same sort of task which the Commission rejected when it adopted its fee filing program; instead, fees and fee filing forms must physically accompany applications.

CONCLUSION

The Commission increasingly relies on third-party coordinators to perform licensing-related tasks. These tasks include review of applications, both technically and from an eligibility standpoint, and the preparation of recommendation letters in respect thereof. Adopting a short-cut solution like self-certification in an environment as hazardous as flight testing would not only be a disservice to civil and military users, but also would undermine the integrity of the third-party coordination process.[2]

For the foregoing reasons, AFTRCC urges the Commission to retain the requirement that applicants for flight test stations submit a written statement from the coordinator as currently required by Rule 87.305.

Respectfully submitted,

AEROSPACE AND FLIGHT TEST RADIO
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[2] While not raised directly in the Notice, AFTRCC would offer an additional observation in a spirit of good housekeeping. Specifically, AFTRCC would urge the Commission to consider revising Rules 87.303 and 87.305 so as to make clear that aviation licenses must be specifically endorsed for "flight testing" in order for the holder to operate on flight test frequencies. In AFTRCC's experience, licensees holding general aviation licenses have concluded that this may authorize them to use flight test frequencies as well. The inconvenience and burden of identifying and contacting such licensees, and then setting them straight, is such that remedial action is required. The rule change proposed here would help minimize such confusion.