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March 15, 2016

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington D.C. 20554

Re: Permitted Oral *Ex Parte* Notice
ET Docket No. 13-115

Dear Ms. Dortch:

On March 11, 2016, representatives of The Boeing Company ("Boeing") met with staff of the Office of Engineering and Technology ("OET") to discuss the Commission's Notice of Proposed Rulemaking ("NPRM") and Notice of Inquiry ("NOI") regarding the spectrum needs of the commercial space sector. Participating in the meeting on behalf of Boeing were Audrey Allison, Senior Director, Frequency Management Services; Kim Kolb, Regulatory & Spectrum Management Engineer; and the undersigned. Participating in the meeting on behalf of OET were Julius Knapp, Chief Engineer of the Bureau, Ron Repasi, Deputy Chief, and Nicholas Oros, Attorney Advisor.

During the meeting, Boeing highlighted its progress in completing its reusable Crew Space Transportation (CST)-100 vehicle, which is scheduled for first launch in 2017. The CST-100 Starliner can accommodate up to seven astronauts for transport to the International Space Station. Boeing will conduct RF testing of the CST-100 Starliner in the summer and fall of 2016 pursuant to an FCC experimental license.

Boeing also discussed with OET the fact that the Commission's procedures for authorizing communications with commercial space launch vehicles need only minor improvement and not wholesale replacement, a fact that has been reinforced during the nearly three years since the Commission adopted its NPRM and NOI in this proceeding. The Commission's *Notice* appears focused on three issues:

- Non-Federal users of Federal-only launch spectrum (429-430 MHz, 2200-2290 MHz & 5650-5925 MHz) do not receive explicit interference protection in these bands;

- Non-Federal users of Federal-only launch spectrum face timing concerns when trying to schedule launch operations within a six month STA grant; and

- Non-Federal users can only complete a single launch under a six month grant of special temporary authority ("STA").

On the first issue, given the critical importance and public safety risks inherent in space launches, launch spectrum must remain under Federal management and control. The Boeing representatives explained that Boeing is unaware of any harmful interference event that has resulted between Federal and non-Federal launch operations. The Commission must avoid any procedural changes that could disrupt this continued success. A co-primary allocation for non-Federal launches could result in unnecessary confusion over the control of launch spectrum, while a footnote indicating that non-Federal launches are permitted subject to coordination with Federal agencies would simply mirror the status quo. All non-Federal launches would still have to be approved through Federal launch controllers and Federal spectrum coordinators such as the NASA flight facility spectrum managers and the Air Force Spectrum Management Office. These Federal approvals give non-Federal launches *de facto* protection against all other users, the success of which has not been questioned. Further, the Federal approval process has not burdened non-Federal launches since, as noted in the Commission's NPRM, all such requests for authorization have been approved.

The Commission should also avoid having discrete portions of the 2200-2290 MHz band identified as available for non-Federal launches. Non-Federal launch vehicles must remain interoperable with Federal launch vehicles (which are often identical), which means retaining the entire band as potentially available for Non-Federal use, subject to Federal spectrum coordinator approval.

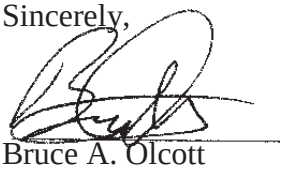
On the second issue, the Boeing representatives urged the Commission to remedy the timing constraint created for commercial launch operators by issuing experimental authority for longer periods. As the NPRM observes, Section 5.71(a) of the rules already authorizes the issuance of experimental authority for periods of up to five years, with a renewal option. The use of longer approval periods could minimize the risks of launch delays.

On the third issue, the Commission could also under its current rules issue experimental authority covering multiple launches at a single location within a two to five year period. This approach would be comparable to the practice of the Federal Aviation Administration, which issues licenses either for a single launch or a series of launches using the same operational parameters and launch site. Granted, FCC authority issued for multiple launches would still need to be conditioned on coordinating each individual launch with Federal launch and spectrum managers.

Finally, the Boeing representatives explained that no apparent justification exists for the Commission to adopt formal service rules for non-Federal launch operations. The commercial launch industry is already subject to licensing and regulatory requirements long maintained by the FAA Office of Commercial Space Transport, which has functioned successfully to ensure the reliability and safety of this growing industry.

Thank you for your attention to this matter. Please contact the undersigned if you have any questions.

Sincerely,



Bruce A. Olcott
Counsel to The Boeing Company