ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of Amendment of Part 90 of the Commission's Rules Regarding the Establishment of a Public Service Radio Pool in the Private Land Mobile Radio Frequencies Below 800 MHz.	RM-9405

Comments of Aeronautical Radio, Inc.

Aeronautical Radio, Inc. ("ARINC"), by its attorneys, pursuant to Section 1.405 of the Commission's Rules, hereby comments on the Petition for Rulemaking submitted by UTC, The Telecommunications Association, the American Petroleum Institute ("API"), and the Association of American Railroads, requesting that a separate Public Service Pool be established in the Private Land Mobile Radio Services to accommodate land mobile users who use radio to support important safety and public service activities.[1] ARINC submits that such a concept would apply with equal force to the requirements of the nation's air transportation system for land mobile communications at airports.

[1] Public notice of this Petition was given November 23, 1998 (Report No. 2306, mimeo 90739).

ARINC is the communications company of the air transport industry. Working with the Aeronautical Frequency Committee ("AFC"), ARINC represents that industry in matters of land mobile spectrum policy.[2] In 1996, ARINC commissioned SkyComm, Inc., to perform an independent study of the use of land mobile service by the air transport industry,[3] and that study shows that the aviation industry has a critical requirement for land mobile facilities at the nation's airports. Land mobile service for aviation is crucial to the public service of the airlines and the safety of the traveling public and people who work at our nation's airports.

AAR, API, and UTC represent different industries that provide public service from their facilities. They have asked the FCC to establish a separate Public Service Pool in addition to the current Public Safety and Business and Industrial Pools. The separate pool would provide additional protection for the public service and safety requirements of the pipeline companies, the utilities, and the railroads from interference from, or competition for spectrum with, other entities in the Industrial/Business Pool. The frequencies currently available to support air transport companies at the nation's airports are currently in the Industrial/Business Pool,[4] but would equally benefit from placement in a separate Public Service Pool.

---

[2] The AFC consists of representatives from the Aircraft Owners and Pilots Association (AOPA), Helicopter Association International (HAI), National Business Aircraft Association (NBAA), American Airlines, America West, Continental Air Lines, Delta Air Lines, Federal Express, Northwest Airlines, United Airlines, United Parcel Service, and USAir.

[3] SkyComm, Inc., Private Land Mobile Communications Requirements of Passenger and Freight Air Carriers at Airports (Sept. 30, 1996) (hereinafter the "SkyComm Report").

[4] *See* 47 C.F.R. §§ 90.35(c)(61), 90.75(c)(25). The basic frequencies set aside for the airlines are known as Aviation Terminal Use (or ATU) channels. Because there are not sufficient ATU frequencies to meet aviation's public service and safety needs, the airlines have also used the low power local control channels and low power split channels to meet their growing communications requirements.

The United States air transport industry is a public service, vital to the nation's economy and the well-being of its people. Like the water and power companies, the railroads and the oil and gas pipelines, the airlines are part of this country's critical infrastructure. Over 600 million revenue passengers will board airlines this year. These people will be engaged in business and pleasure travel, going to school, going home for the holidays, and creating jobs and wealth for our country. The nation's air carrier system will ensure that these people and millions of tons of freight will be transported safely, expeditiously, efficiently, and economically. The United States airlines are a critical part of the nation's infrastructure. The broad area covered by the United States and the need for prompt and efficient travel has lead to the creation of the world's foremost air transport system.

In order to accommodate these 600 million passengers and countless others who work at or visit the airports of our country, the airlines and aviation support organizations must rely heavily on land mobile communications, with total airport coverage. These communication systems provide high-quality limited-area coverage, with extremely intense usage of frequencies. Everything is in motion at an airport, and hand-held portables are used to connect airline personnel with each other and sophisticated dispatch centers so that passenger can be transported to their planes, baggage can be checked and boarded, cargo can be accommodated, and the traveling public can be informed as to changes in schedule, the status of their travel or the travel of loved ones, and the location of important freight. Public service is the essence of the airline industry.

Land mobile systems also are used for safety and security of people at airports. Airports are mini-cities. The 600 million people who pass through will have medical and other forms of emergencies to which the airport authorities and the airlines must respond immediately.

Interference-free communications are time-critical. The mobile radios make it possible to save many lives, and to provide comfort and assistance to countless people at the airports.

These radio systems also promote the safety of airport workers. As noted in the SkyComm report, a single automated baggage or freight sorting facility can consist of several acres of high-speed machinery.[5] Aircraft must be provisioned with fuel and supplies. This may sometimes result in fuel spills or other problems. In the case of a fuel spill, it is imperative that the airline have the ability immediately to contact and coordinate the activities of the fuel spill response team. The airline must have the ability to communicate with the team, the gate agents, ramp personnel, and the airlines command center. The airlines also use radios to maintain a full time fire watch in the hangars.

Finally, airport security is promoted by land mobile communications.[6] The SkyComm Report identifies the need to maintain and coordinate so-called sterile areas of the airports, areas where only screened individuals are permitted. The FAA requires positive bag match on international flights and may require some heightened form of baggage security on domestic flights in the future. The airlines use radio to facilitate bag match programs and to keep track of baggage. Among the 600 million passengers annually, a number of these people require special security arrangements. Some are prisoners and some are VIPs, but both categories of travelers must be moved through the airport with dispatch and security. Radio is used to coordinate these operations.

---

5 SkyComm Report at 21.

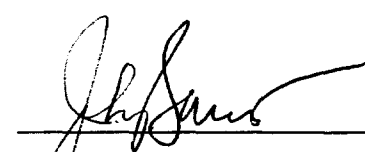
6 *Id.* at 22-23.

The requirements of the airlines for communications at airports will continue to grow. The number of passengers handled and aircraft operations conducted will continue to grow as the United States economy grows. The FAA projects a 4% per annum growth in air travel. In addition, new applications are being introduced to serve the public better and more safely. The industry is trying to find ways to meet these growing needs within the current allocations, but additional spectrum may be the only answer. In any event, it is critical to the public service of the air transport industry that the current spectrum be protected and continue to be available.

For these reasons, ARINC submits that, should a Public Service Pool be established, the Aviation Terminal Use frequencies should be included in this Pool with the current footnotes and limitations on their use. At points more than 50 miles from the affected airports, the channels could remain in the Industrial/Business Radio Pool.

Respectfully submitted,

AERONAUTICAL RADIO, INC.

By: 

John L. Bartlett
of
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, DC 20006-2304
(202) 429-7070
jbartlet@wrf.com
Its Attorneys

December 23, 1998

Certificate of Service

The undersigned hereby certifies that the preceding document was sent by United States first class mail (except as otherwise indicated), postage prepaid, to the persons listed below this 23rd day of December 1998.

Jeffrey L. Sheldon, Esq.
Thomas Goode, Esq.
1140 Connecticut Avenue, N.W.
Washington, D.C. 20036
Attorneys for UTC, The Telecommunications Association

Louis P. Warchot, Esq.
Senior Vice President—Law and General Counsel
Association of American Railroads
50 F Street, N.W.
Washington, D.C. 20001

Wayne V. Black, Esq.
Nicole Donath, Esq.
Keller and Heckman, LLP
1001 G Street, N.W.
Washington, D.C. 20001
Attorneys for American Petroleum Institute

December 23, 1998

Phyllis Hall