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*Squire, Sanders & Dempsey*

L.L.P.

*Counselors at Law*

*1201 Pennsylvania Avenue, N.W.*

*P.O. Box 407*

*Washington, D.C. 20044-0407*

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*Telephone (202) 626-6600*

*Balli Square DC*

*Telecopy (202) 626-6780*

*Direct Dial Number*

(202) 626-6615

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Room TW-A325  
Washington, DC 20554

**Re: Permitted Ex Parte Meeting  
The Boeing Company  
IB Docket No. 99-81  
IB Docket No. 98-206/  
ET Docket No. 95-18  
FCC File No. 179-SAT-P/L/97(16), SAT-AMD-19980318-00021 (90-SAT-AMEND-98)**

Dear Secretary Salas:

On Wednesday, October 6, 1999, representatives of The Boeing Company ("Boeing") and its counsel met with Karl Kensinger, Christopher Murphy, Howard Griboff, Alexander Roytblat, and Marcus Wolf of the FCC Satellite and Radiocommunication Division. Boeing representatives included Frank Weaver, Karen Gielen, Alvin Burgemeister, Robert Higgins, and Mel Barmat. As counsel for Boeing were Bruce Olcott and Stephen Duall (not yet admitted) of Squire, Sanders & Dempsey L.L.P.

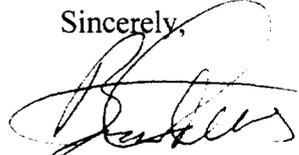
During the meeting, Boeing reiterated many of its positions previously presented in its written filings in these proceedings.<sup>1</sup> Specifically, Boeing urged the Commission to conclude that, as a matter of FCC policy, Boeing's proposed 2 GHz Mobile Satellite Service ("MSS") network can be used for the provision of Aeronautical Mobile-Satellite Route Services ("AMS(R)S"). The meeting also addressed the 2 GHz band plan, feederlink requirements, terrestrial relocation issues relating to the reallocation of the 1990-2025 MHz and 2165-2200 MHz bands to MSS, and Boeing's proposal to provide a navigation augmentation service in the GPS L1 band (1565.42-1585.42 MHz). The attached talking points were distributed at the meeting.

<sup>1</sup> Proceedings under File Nos. 179-SAT-P/LA-97(16) and 90-SAT-AMEND-98 have been designated as permit-but-disclose pursuant to Public Notice Report No. SPB-132 (rel. July 29, 1998). The remaining rule making proceedings are exempt under Commission rules. See 47 C.F.R. §§ 1.1200 and 1.1204.

*Squire, Sanders & Dempsey*  
L.L.P.

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

Sincerely,



Bruce A. Olcott

Cc: Karl Kensinger, Satellite and Radiocommunications Division  
Christopher Murphy, Satellite and Radiocommunications Division  
Howard Griboff, Satellite and Radiocommunications Division  
Marcus Wolf, Satellite and Radiocommunications Division  
Alexander Roytblatt, Satellite and Radiocommunications

Use of Boeing's 2 GHz MSS Network for AMS(R)S

FCC Ex Parte Presentation – October 6, 1999

- Boeing's 2 GHz MSS Application seeks authority to launch and operate a satellite system operating in the Mobile Satellite Service ("MSS") in the 2 GHz MSS band. Boeing urges the Commission to issue an authorization reflecting this request.
- Boeing plans to use its 2 GHz MSS network for aeronautical communication and navigation services, referred to as Aeronautical Mobile-Satellite Route Services ("AMS(R)S"). Boeing requests that its FCC Authorization Order and the Report & Order on 2 GHz MSS indicate that, as a matter of FCC policy, Boeing's 2 GHz MSS network can be used for AMS(R)S.
- As the Commission observed in its *NPRM*, FCC and ITU rules permit the provision of AMS(R)S in generic MSS spectrum since AMS(R)S is a subset of MSS. The absence of an AMS(R)S footnote in the Table of Frequency Allocations is not a regulatory impediment.
- Boeing can ensure that intra-network priority and preemption are provided for AMS(R)S:
  - As the Commission noted in its *NPRM*, priority and preemption can be ensured on a contractual basis. Boeing could contract with airlines to provide Aeronautical Operational Control and with civil aviation authorities to provide Air Traffic Services.
  - AMS(R)S priority and preemption can also be ensured using RTCA MOPS and ICAO SARPs that mandate such capabilities.
  - AMS(R)S priority and preemption is further ensured by the existing regulatory provisions contained in Articles S44 and S45 of the ITU Radio Regulations.
  - Finally, priority and preemption can be ensured within the technical design of Boeing's satellite system. Boeing's CDMA-based system architecture fulfills this requirement.
- Boeing designed its 2 GHz MSS network with sufficient interference protection margins to preclude the need for preferential international spectrum coordination measures, or special interference protection from other spectrum users in the 2 GHz MSS band.
- In requesting authority to use its 2 GHz MSS network to provide AMS(R)S, Boeing acknowledges that additional work must still be completed:
  - Part 87 of the Commission's rules should be amended to permit Aircraft Earth Stations ("AES") to operate in the 2 GHz MSS band, along with the Big LEO MSS band.
  - ICAO and RTCA have agreed to amend the ICAO SARPs and RTCA MOPS to address all non-geostationary systems. Previous work focused on just low earth orbit systems.
  - Additional work must be completed with the FAA and ICAO to solidify consensus that Boeing's 2 GHz MSS system should be utilized for AMS(R)S.
- These activities can be accomplished concurrently with the construction and launch of Boeing's satellite network. Thus, Boeing urges the FCC to grant it a 2 GHz MSS license.