

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Revision of the Commission's Rules to) IB Docket No. 99-67
Ensure Compatibility with Enhanced) DA 00-2826
911 Emergency Calling Systems)

To: The Chief, International Bureau

**Supplemental Comments of
The Boeing Company**

The Boeing Company (“Boeing”), by its attorneys, hereby provides supplemental comments in response to the International Bureau’s public notice seeking further comment regarding adoption of E911 requirements for satellite services.¹ In the public notice, the Bureau inquires whether it would improve public safety and promote the public interest to require Mobile-Satellite Service (“MSS”) carriers to provide E911 services, and, if so, on what terms should such rules be imposed.²

I. THE PUBLIC INTEREST AND PUBLIC SAFETY WOULD BEST BE SERVED BY MAINTAINING THE E911 EXEMPTION FOR MSS NETWORKS.

In December 1997, the Commission affirmed its E911 exemption for MSS carriers, observing that the commercial MSS industry was still in its “infancy.”³ In support of its

¹ See Public Notice, *International Bureau Invites Further Comment Regarding Adoption of 911 Requirements for Satellite Services*, DA 00-2826, IB Docket No. 99-67 (Dec. 15, 2000).

² See *id.* at 3.

³ *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Memorandum Opinion and Order, 12 FCC Rcd 22665, 22706-07 (1997) (“*E911 Recon Order*”) (citing *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676, 18718 (1996) (“*E911 Report and Order*”)).

decision, the Commission noted its policy of refraining from imposing E911 regulatory requirements on classes of commercial mobile radio service (“CMRS”) providers “that have not yet fully developed their commercial services.”⁴

Little more than three years later, it is difficult to argue that much has changed. The MSS industry may no longer be in its infancy, but MSS providers certainly have not yet achieved the level of “fully developed commercial services.” Instead, the MSS industry is in a state of some financial distress, with most operating MSS networks fighting to stay solvent. An irony of this proceeding may be that some MSS licensees are so constrained financially that they are unable to put forth a sufficient showing to forestall unfavorable Commission action in response to the Bureau’s public notice.

The current status of the MSS industry does not place into question, however, its significant potential to provide universally available emergency communication services to remote and unserved populations in any location in the world. As disaster relief workers have recognized, commercial MSS networks can provide effective communication and support services in devastated regions irrespective of the level of destruction that has occurred to the local communications infrastructure.

It should therefore be concluded that the public interest and public safety would be best served by continuing to nurture the MSS industry in the hope that it can establish an adequate financial base and fully develop its commercial service. Once MSS operators have successfully developed commercial services, the Commission could then consider whether it should impose E911 requirements on MSS, or whether the emergency operator services that have been developed by MSS licensees are adequate to serve the public interest.

⁴ *Id.* at 22707.

II. REGARDLESS OF WHETHER THE E911 EXEMPTION IS MAINTAINED FOR MSS, THE COMMISSION SHOULD NOT IMPOSE E911 REQUIREMENTS ON MSS OPERATORS PROVIDING AERONAUTICAL SERVICES.

In developing its rules for terrestrial wireless E911, the Commission concluded that it would not further the public interest to impose E911 requirements on wireless operators providing air-to-ground aeronautical services.⁵ The Commission observed that aircraft passengers and crews do not rely on ground-based rescue operations and utilize special emergency communications services dedicated to aviation.⁶

These conclusions apply equally to aeronautical communication services provided by satellite. The Commission's rules refer to such services as Aeronautical Mobile-Satellite Services ("AMSS") and they are by definition *non-emergency* communications services. AMSS can be made available for passengers and crew on aircraft for correspondence that does not implicate the safety and regularity of aircraft operations.⁷ In contrast, the Commission – along with international aviation and spectrum organizations – maintains special regulatory requirements for Aeronautical Mobile-Satellite (Route) Service ("AMS(R)S"), which is the radio service dedicated to the distress and emergency requirements of the aviation industry. International and domestic regulatory bodies have developed detailed technical and operational rules for AMS(R)S, which would not be advanced by the imposition of E911 requirements.

Furthermore, some of the Commission's E911 requirements may be technically inappropriate for existing and proposed MSS networks providing AMSS. For example, the Commission is in the process of implementing handset-based Automatic Location Identification

⁵ See *E911 Report and Order* at 18717.

⁶ See *id.*

⁷ See ITU Radio Regulations S1.35, S1.36 (1998).

(“ALI”) for CMRS. Such handset-based technology may not be compatible with AMSS user terminals, which are generally “hard-wired” into the aircraft and must be designed to ensure that they do not interference with the aircraft navigation system.

In any event, imposing E911 requirements on AMSS will simply create an unnecessary technical and financial burden for AMSS providers, without advancing the goals of public safety. Instead, the Commission should further the public interest by authorizing additional MSS networks to operate in the United States, such as the MSS network proposed by Boeing, which is designed to provide much-needed AMSS and AMS(R)S to the global aviation community.

Respectfully submitted,

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