

HOGAN & HARTSON
L.L.P.

MICHELE C. FARQUHAR
PARTNER
(202) 637-5663
MCFARQUHAR@HHLAW.COM

August 1, 2003

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

RE: WT Docket No. 02-86

Dear Ms. Dortch:

This is to inform you that AirCell, Inc. ("AirCell") made an *ex parte* presentation on July 31, 2003 with respect to the above-referenced proceeding. AirCell representatives Jim Stinehelfer and Bill Gordon, Herbert Harris of Kurtis & Associates, P.C., and I met with Office of Engineering and Technology ("OET") representatives Edmond Thomas, Chief Engineer, and James Burtle, Chief of OET's Experimental Licensing Branch.

The presentation discussed the points set forth in the attached slides, including background on the AirCell system, the growing demand for new safety and consumer wireless technology on commercial airlines, the need for Commission action on AirCell's pending Petition for Extension of Waiver to meet this demand, and AirCell's technical conclusions related to this Petition.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, I am filing this notice electronically in the above-referenced docket. In addition, I am sending one copy of this notice to the FCC staff listed below. Please contact me directly with any additional questions.

Respectfully submitted,



Michele C. Farquhar
Counsel to AirCell, Inc.

Attachment

cc: Edmond Thomas
James Burtle

BRUSSELS BUDAPEST LONDON MOSCOW PARIS* PRAGUE* WARSAW

BALTIMORE, MD COLORADO SPRINGS, CO DENVER, CO LOS ANGELES, CA McLEAN, VA NEW YORK, NY ROCKVILLE, MD
\\DC - 67052/0001 - 1716187 v5

*Affiliated Office

CERTIFICATE OF SERVICE

I, David Martin, do hereby certify that the foregoing Notice of Ex Parte Presentations was served on this 1st day of August, 2003, by electronic mail on:

James Burtle, Chief
Office of Engineering and Technology
Experimental Licensing Branch
Federal Communications Commission
445 12th Street, SW
Washington, D. C. 20554

Edmond Thomas, Chief Engineer
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Andrew L. Tollin
Wilkinson, Barker, Knauer
& Quinn, LLP
2300 N Street, NW
Suite 700
Washington, DC 20037


David Martin



In Touch-In Flight®

FCC Update

July 31, 2003



In Touch-In Flight[®]

Who are we?

- Leading provider of air-ground communications equipment and service to general aviation (business jets).
- “Largest” cellular company in the USA.
- Only real competition for Verizon Airfone.
- Developer of Technology of Choice for Airline Security Requirements.

What We Do

Only Cellular Network for Aviation

- FCC/FAA authorized products and services
- Logical extension to provide service for personal cellular phone use aboard airliners in flight.

Make, Market and Support Airborne Telecom Systems for:

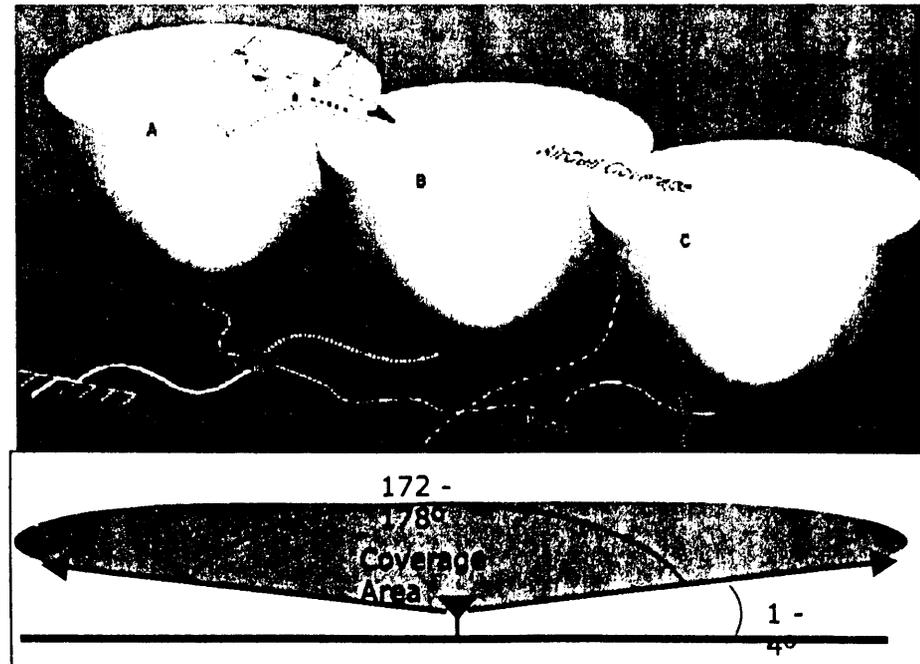
- Business Aviation
- Federal Air Marshals
- Airlines
- U.S. (AirCell) and global (Iridium) coverage



In Touch-In Flight[®]

Leverages Existing Cellular Infrastructure

- ❑ **Lower Operating Cost as a reseller yields lower prices to all customers.**
- ❑ **Full Conus coverage through 25 Cellular Partners. (US Cellular, Alltel, Rural, etc.).**
- ❑ **Adds new customers and revenue to Cellular Partners.**
- ❑ **Benefits from \$Billions Invested in R&D.**



134 Sites, 165 Miles Apart

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Confidential

Business Aviation

- ❑ **Over 1,400 Systems "On Net"**
- ❑ **Offered by Major OEMs**
 - Cessna, Bombardier, Lear, Embraer, Raytheon
- ❑ **Leading Supplier to Fractional Owners**
 - Flight Options, NetJets, Citation Shares
- ❑ **Major Customers**
 - US Army, US Navy, FBI, Dept of Energy, Intel, Sony, Conoco, ConAgra
 - 300+ Dealer Network

Unique “Window of Need” in
Commercial Aviation Communications

☐ Mission Critical Air Marshal System

- In-flight communications for Federal Air Marshals

☐ “Evolutionize” Passenger Voice/Data

- *One Phone Goes Anywhere* - Personal Mobiles In-flight
- Prototype systems successfully tested

☐ Alternative for Airlines stranded by AT&T



In Touch-In Flight[®]

Airlines - Market Drivers

ATT Claircom Gone

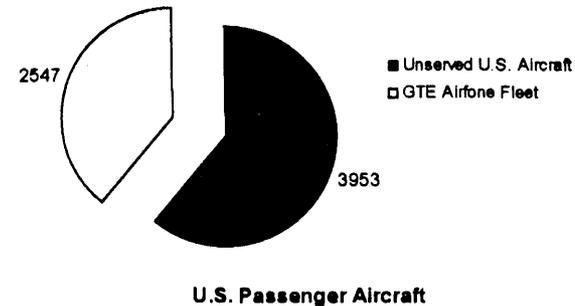
- 61% of Market Unserved

Verizon Airfone

- Too Heavy, Too Expensive.... Underutilized
- Obsolete, Stand-Alone Network Model

Crew Needs: Medical and Flight Ops

9/11 Radically Changed Security Requirements





In Touch-In Flight®

AirCell Proceeding Overview

- AirCell and our cellular partners operate as a secondary service under a waiver to 22.925.
- AirCell has requested a long term renewal of that authority and...
 - Increase in allowed channels from 6 to 19
 - Removal of certain limits on frequency coordination (digital exclusion).



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AirCell Proceeding

- AirCell has requested a long term renewal cycle (today- 2 years) to stabilize our business. All protective criteria remain intact.
- AirCell has requested an increase in authorized channels to allow cost effective growth when and where needed.
- AirCell has requested the removal of the digital exclusion in frequency coordination to allow growth and continued operation as analog is phased out for terrestrial service.



In Touch-In Flight®

AirCell Proceeding

- AirCell's actions have been vigorously opposed by Verizon Wireless, AT&T Wireless and Cingular because of concerns over potential interference, FCC Policy and spectrum rights.
- AirCell operating results and rigorous testing continues to demonstrate that our system does not and will not cause harmful interference.



In Touch-In Flight®

Recent Filings show AirCell Petition
Satisfies the Commission's waiver standards
Serves the public interest by :

- promoting aviation safety and security
- providing competition in a monopolistic environment held by Verizon Wireless

Supports FCC Policy on efficient spectrum use
Provides sound technical analysis supporting non-harmful interference operations.

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Recent filing by opposition is seriously flawed.
Noise floor measured incorrectly.

Measured “system noise” not co-channel interference noise which is true limiter.

Incorrectly calibrated equipment.

Reported “physically impossible” results

Did not follow Lucent published procedures for testing.

Opposition Filing:

Flight tests also flawed:

Disabled part of AirCell system (DPC).

Moved AirCell antennas and changed switch settings to degrade system.

Disabled handoff capability

Tested outside of AirCell range more than 59% of the time.

Selectively presented data “out of context”

Opposition filing:

Case study compounds errors

flight data wrong

noise floor measurements wrong

Test site not representative

Interference measurements “unreal”

QED- Their conclusions grossly misrepresent reality



In Touch-In Flight®

AirCell Technical Conclusions

Recast V-Comm data actually supports original and new AirCell tests and FCC analysis and conclusions.

AirCell's new flight tests reconfirm original Texas test results.

AirCell's digital testing and analysis is scientifically sound and accurate and clearly demonstrates that AirCell does not and will not cause Harmful Interference to call quality.