



U.S. Immigration
and Customs
Enforcement

November 2, 2004

Filed Electronically

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

Re: WT Docket No. 03-1030
Notice of Ex Parte Presentation

Dear Ms. Dortch:

On October 29, 2004, Department of Homeland Security, Immigrations and Customs Enforcement, Federal Air Marshals Service (FAMS) Agent Terrel Roberts and the undersigned, accompanied by Kay Stephenson, Jim Cole and Robert Ott of Datamaxx Technologies met with Kathy Harris, Gregory Vadas and Jay Jackson of the Wireless Telecommunications Bureau/Mobility Division, Greg Cooke and Ken Burnley of the Enforcement Bureau/Office of Homeland Security and Julius Knapp, Ed Thomas, Ron Chase and Jim Schlichting of the Office of Engineering and Technology to discuss FAMS homeland security issues based on this rulemaking.

After brief introductions of all attendees, the FAMS, accompanied by Datamaxx Technologies contract representatives, described the following areas of concern.

The four primary concerns are as follows:

1. The Federal Air Marshal (FAM) communication capabilities must be fully operational (end-to-end) in all phases of the commercial aircraft operation (gate-to-gate including taxi, takeoff, departure, en route, approach and landing).
2. Reports that we have reviewed indicate that the FCC may consider the sharing of FAM communication frequencies among multiple commercial air carriers. We are concerned that this approach to communication service has the inherent potential to degrade the provision of uninterrupted FAM communication capability.

3. The on-board FAM must have a seat registration capability, which includes "tarmac connectivity" for crucial communications.
4. FAM communication capabilities must be fully operational (End-to-end) in all dimensions of an aircraft's operational flight-trajectory. (lateral, longitudinal and vertical)

Subsequent discussions for clarification were completed and opinions over specific advantages were discussed involving a one-provider model in lieu of the more competitive two or more service providers sharing the frequency band. Concerns were voiced over the multiple or shared spectrum approach being considered based on continuity of service issues, which could involve emergency communications from aircraft and communication capability when an aircraft is below 5000 feet. Ed Thomas indicated that the 5000 FT threshold should not be a major problem, as a jet can climb through 5000 feet in a matter of seconds. While FAMS believes that it is an accurate assessment on ascent, a commercial passenger jet can climb through 5000 feet within a minute or so, we believe that during the descent phase, Air Traffic Control could place an aircraft below 5000 feet for a much longer time. For example, an aircraft on approach to Reagan National can be below 5000 feet for a considerable time and during this time, would be within close proximity of the White House and the Capitol, and thus would be out of communications range, if a 5000 foot communications ceiling is experienced. In light of the flight patterns used on 9/11/01, this scenario should be considered when awarding spectrum that should be capable of supporting emergency Air to Ground Communications.

Pursuant to section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed electronically with the Office of the Secretary. Copies are also being served electronically on the Commission participants in the meeting.

Should there be any questions regarding this matter, please contact the undersigned.

Respectfully Submitted,



Robert S. Gray
Deputy Assistant Director
Federal Air Marshal Service

- cc: Kathy Harris
Gregory Vadas
Jay Jackson
Greg Cooke
Ken Burnley
Julius Knapp
Ed Thomas
Ron Chase
Jim Schlichting