

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

In the Matter of)
)
Amendment of the Commission’s Rules to) WT Docket No. 04-435
Facilitate the Use of Cellular Telephones and)
Other Wireless Devices Aboard Airborne Aircraft)

**REQUEST OF THE BOEING COMPANY FOR EXTENSION OF COMMENT
DEADLINES**

Pursuant to Section 1.46 of the Commission’s rules, 47 C.F.R. § 1.46, The Boeing Company (“Boeing”)^{1/} respectfully requests a 45 day extension of time to submit initial comments and a reply comment period of 30 days in the above-captioned proceeding.^{2/} The *NPRM* appeared in the Federal Register on March 10, 2005, which set the deadline for initial comments as April 11, 2005 and the deadline for reply comments as May 9, 2005. Boeing respectfully requests that the Commission extend the deadline for comments and reply comments to May 26, 2005 and June 27, 2005,^{3/} respectively.

In the *NPRM*, the Commission recognized the potential for harmful interference from the use of wireless handsets and devices onboard airborne aircraft.^{4/} Indeed, the Commission notes that it is not prepared to allow the use of wireless devices onboard airborne aircraft “without the

^{1/} AirCell, Inc., T-Mobile USA, Inc., Cingular Wireless LLC, and Space Data Corporation have authorized Boeing to represent that they support this request. In addition, CTIA - The Wireless Association™ has indicated that it does not oppose this request.

^{2/} *Amendment of the Commission’s Rules to Facilitate the Use of Cellular Telephones and Other Wireless Devices Aboard Airborne Aircraft*, WT Docket No. 04-435, Notice of Proposed Rulemaking, FCC 04-288 (rel. Feb. 15, 2005) (“*NPRM*”).

^{3/} Thirty days from May 26, 2005 is Saturday, June 25, 2005.

^{4/} *NPRM* ¶ 12.

further development of the record on possible technical solutions.^{5/} Accordingly, the Commission has asked commenters numerous questions about the possible technical solutions to the potential interference problem, as well as about the types of service and licensing rules that should apply to airborne cellular service.

Boeing understands that extensions of time for filing deadlines are not routinely granted. The Commission, however, previously has recognized that rulemaking proceedings involving complex technical issues often warrant an extension of comment deadlines, particularly when such issues require further studies and analysis.^{6/} Such is the case in the instant proceeding. The airborne use of cellular telephones raises challenging technical issues that affect existing and potential providers of air-to-ground services, terrestrial carriers, handset and network equipment manufacturers, and the aircraft and airline industries. As the *NPRM* recognizes, these issues include not only the radiofrequency interference concerns, but also aviation safety matters unique to the operation of RF devices onboard an aircraft. In view of the magnitude of the task at hand, 30 days is insufficient to enable interested parties to develop and test the necessary technical standards. Likewise, the need to analyze fully numerous complex technical filings that can be expected in this proceeding warrants the additional time for replies. The requested extension will help ensure the accuracy and completeness of the data requested by and submitted to the Commission.

^{5/} *NPRM* ¶ 12.

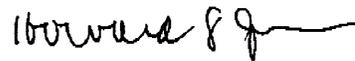
^{6/} See, e.g., *Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices below 900 MHz and in the 3 GHz Band*, 19 FCC Rcd 20441, ¶ 4 (2004) (granting 90-day extension to allow parties to work on technical studies and meet to resolve issues raised by Commission); *Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands*, 19 FCC Rcd 3958, ¶ 2 (2004) (granting 30-day extension due to complex technical issues).

Moreover, the time extension will not undermine the Commission's interest in timely completing the rulemaking proceeding. As the Commission notes, any rule changes adopted by the Commission regarding airborne cellular service are subject to the rules and policies of the Federal Aviation Administration ("FAA").^{7/} Thus, FAA approval is necessary before the airborne use of wireless equipment will be permitted. Although the FAA and its advisory committee, RCTA, currently are studying the impact of wireless usage onboard aircraft, a final recommendation is not expected until December 2006.^{8/} Thus, no harm would result by granting the extension requested herein.

Accordingly, for the reasons set forth above, grant of this request would be in the public interest by giving commenters sufficient time to address the important issues raised in the rulemaking proceeding and would provide the Commission with a more complete record on which to base its decisions, without delaying final action in this proceeding.

Respectfully submitted,

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^{7/} *NPRM ¶ 3.*

^{8/} *See Overview of RTCA SC-202 - Portable Electronic Devices, available at <http://www.rtca.org/comm/Committee.cfm?id=1>.*