Federal Communications Commission
Washington, D.C. 20554

February 17, 2005

The Honorable Paul S. Sarbanes
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Sarbanes:

Thank you for your letter on behalf of your constituent, David Warshawsky. Mr. Warshawsky is concerned with recent proposals made by the Commission regarding the use of wireless telephones in airborne aircraft. Specifically, Mr. Warshawsky opposes action by the Commission that would permit such use.

On February 15, 2005, the Commission released a *Notice of Proposed Rulemaking* (*Notice*) in WT Docket No. 04-435 that proposes to relax the Commission's current ban on the use of 800 MHz cellular telephones in airborne aircraft, including airplanes. In 1991, the Commission adopted the current ban on the airborne use of cell phones out of concern that such use would interfere with terrestrial cellular networks. Since then, advances in technology appear to address the initial concerns of interference that warranted adoption of the ban. Consequently, the Commission believes that it may now be possible for the traveling public to use their cell phones while airborne without increasing the risk of interference to cellular systems on the ground.

Accordingly, in the *Notice*, the Commission proposes to relax the ban on the airborne use of cellular telephones so long as the phones are controlled by a "pico cell" installed onboard private or commercial aircraft that directs the handsets to operate at or near their lowest applicable power settings. It also seeks comment on the practicality of an industry-initiated solution that would enable use of airborne cellular units without the FCC having to mandate technical rules. Finally, the *Notice* seeks comment as to whether the Commission should allow licensees to provide 800 MHz cellular service to airborne wireless units on a secondary basis, subject to certain technical limitations that would ensure no interference to terrestrial operations. Publication of the *Notice* in the *Federal Register* is currently pending and we expect the comment period to begin in early spring of this year.

I hope that this information is helpful. Please contact me or Guy Benson, Mobility Division, Wireless Telecommunications Bureau, at 202-418-0620, if we can be of further assistance. Thank you for your interest in this matter. Your letter and this response will be placed in the record of this proceeding.

Very truly yours,

Linda C. Chang
Associate Chief, Mobility Division
Wireless Telecommunications Bureau

PAUL S. SARBANES
MARYLAND

309 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
202-224-4524

United States Senate

WASHINGTON, DC 20510-2002

26 JAN 2005 RCVD

WTB
OTHER
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January 18, 2005

Ms. Diane Atkinson
Federal Communications Commission
Office of Legislative and Intergovernmental Affairs
445 12th Street S.W. Room 8-C453
Washington, D.C. 20554

Dear Ms. Atkinson:

Enclosed is a copy of correspondence I received from David Warshawsky. The letter raises some serious concerns about the Federal Communications Commission's proposal to modify its rule prohibiting the use of cellular telephones on airborne aircraft. I would certainly appreciate it if you would carefully review this matter and provide me with an appropriate response.

Your attention to this matter is greatly appreciated.

With best regards,

Sincerely,

Paul Sarbanes

Paul Sarbanes
United States Senator

PSS/sgz

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From: warsky@comcast.net
Date: 12/20/2004 6:04:02 AM
To: webmail@sarbanes-iq.senate.gov
Subject: Cell Phones in airplane flight

The use of cell phones in airplane flight is the WORST ruling the FCC could make. Sitting in the waiting areas waiting to board my flight and having to listen to people 25 - 50 feet away discuss there business is very discourteous.

Under the proposed rule, while sitting in the confined area of the airplane, and having to listen to other peoples chatter at all noise levels makes me shutter.

David Warshawsky

Cc: Ben Cardin
Barbara Mikulski
Paul Sarbanes

==== Original Formatted Message Starts Here ====

Sender's IP address = 68.34.107.135
<APP>SCCMAIL
<PREFIX>Mr.</PREFIX>
<FIRST>David</FIRST>
<LAST>Warshawsky</LAST>
<ADDR1>1506 Berwick Rd</ADDR1>
<ADDR2></ADDR2>
<CITY>Baltimore </CITY>
<STATE>MD</STATE>
<ZIP>21204</ZIP>
<></>
<EMAIL>warsky@comcast.net</EMAIL>
<ISSUE>gen</ISSUE>
<MSG>The use of cell phones in airplane flight is the WORST ruling the FCC could make. Sitting in the waiting areas waiting to board my flight and having to listen to people 25 - 50 feet away discuss there business is very discourteous.

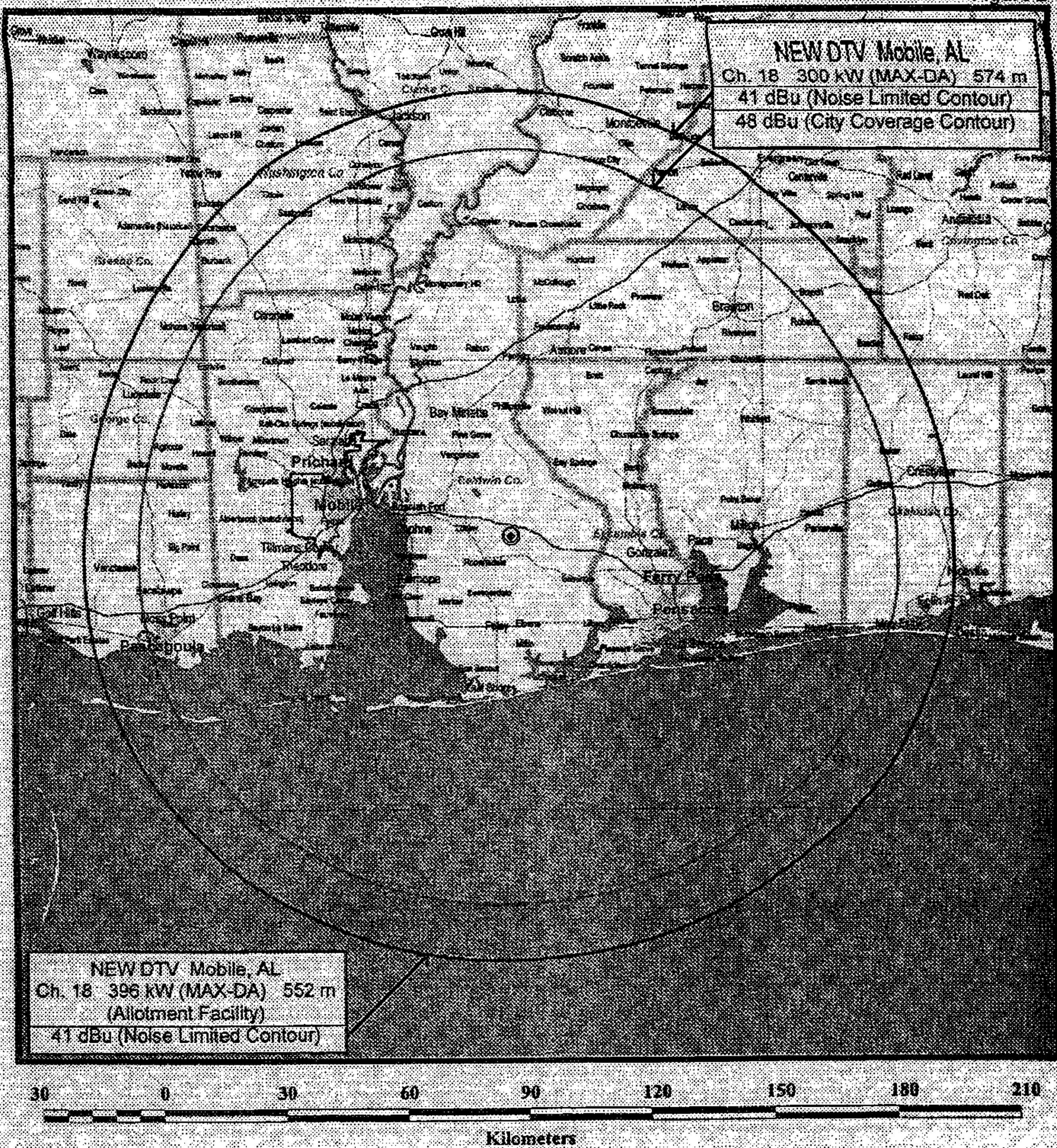
Under the proposed rule, while sitting in the confined area of the airplane, and having to listen to other peoples chatter at all noise levels makes me shutter.

David Warshawsky

Cc: Ben Cardin
Barbara Mikulski
Paul Sarbanes

</MSG>
</APP>

Figure 2



PREDICTED COVERAGE CONTOURS

NEW DTV STATION
MOBILE, ALABAMA
CH 18 300 KW (MAX-DA) 574 m

du Treil, Lundin & Rackley, Inc. Sarasota, FL

Figure 3

CDBS TV/DTV SEPARATION STUDY

Job Title:
Channel: 18
Class:
Type: DT

Separation Buffer: 50 km
Coordinates: 30-36-45 87-38-43
Zone: III

Call Id	City St	Status	File Num	Channel Zone	ERP HAAT	DA Id	Latitude Longitude	Bear	Dist. (km)	Req. min	Req. max
WPMI-T	MOBILE		BLCT	15(+)	5000.000	D	30-37-35	353.1	1.6	24.1	96.6
11906	AL	LIC C	19820308KEIII		521 18505		087-38-50		22.55	Clear	
WPMI-T	MOBILE		BPCT	15(+)	5000.000	D	30-36-40	92.4	3.6	24.1	96.6
11906	AL	APP C	20040106AAIII		563 68280		087-36-27		20.47	Clear	
WEAR-T	PENSACOLA		BDSTA	17( )	8.300	D	30-36-45	90.0	0.0	24.0	110.0
71363	FL	STA C	20021021AD		102.8 44863		087-38-43		24.00	Clear	
WEAR-T	PENSACOLA		BPCDT	17( )	1000.000	N	30-36-45	90.0	0.0	24.0	110.0
71363	FL	CP C	19991028AEIII		579 39646		087-38-43		24.00	Clear	
DWEART	PENSACOLA			17( )	1000.000	D	30-37-38	49.5	2.5	24.0	110.0
	FL	DTV		III	372		087-37-31		21.48	Clear	
NEW	MOBILE		BPRM	18(Z)	396.000	D	30-36-45	90.0	0.0	223.7	223.7
158818	AL	GRA C	20000714ABIII		552 65214		087-38-43		223.70	Short	
WDHN	DOTHAN		BLCT	18(Z)	1070.000	N	31-14-30	71.9	233.5	244.6	244.6
43846	AL	LIC C	2038	III	223		085-18-48		11.06	Short[1]	
WBXN-C	NEW ORLEANS		BLTTA	18(+)	5.000	D	29-55-12	252.0	241.5	0.0	0.0
70419	LA	LIC C	20040525AG		20425		090-01-29		3.10	Class A	
WMAH-T	BILOXI		BMLET	19(+)	1593.000	D	30-45-18	277.6	125.6	12.0	106.0
43197	MS	LIC C	20030103AAIII		476.3 64495		088-56-44		19.59	Clear	
WMPV-T	MOBILE		BLCT	21(+)	4370.000	D	30-35-18	107.2	9.1	24.1	96.6
60827	AL	LIC C	19860103KFIII		436 18235		087-33-16		14.99	Close	
WMPV-T	MOBILE		BPCT	21(+)	3083.000	D	30-35-18	107.2	9.1	24.1	96.6
60827	AL	CP C	20010905AAIII		436 42006		087-33-16		14.99	Close	
WXXV-T	GULFPORT		BLCT	25(-)	2240.000	D	30-44-48	276.7	136.2	24.1	96.6
53517	MS	LIC C	19870224KGIII		488 19236		089-03-30		39.62	Clear	

[1] Protection provided using OET-69 studies, see technical narrative.

du Treil, Lundin, and Rackley

Coordinates: 30-36-45 87-38-43 Frequency Range: 200-300 Range: 16

FM Stations Within 16 kilometers

Rec Type	Fac Id	Call	Status	Chan	Svc Class	Class	City	St	DA	Latitude	Longitude	ERP (kW)	HAAT (m)	RCAMSL (m)	Bear	Dist. (km)
C	2540	WBLX-F	LIC	225	FM	C	MOBILE	AL	N	30-37-35	087-38-50	100.000	474.0	508.0	353.1	1.6
C	53145	WKSJ-F	LIC	235	FM	C	MOBILE	AL	N	30-37-35	087-38-50	100.000	474.0	508.0	353.1	1.6
C	12143	WJLQ	LIC	264	FM	C	PENSACOLA	FL		30-37-35	087-38-50	100.000	474.0	508.0	353.1	1.6
C	8680	WYOK	LIC	281	FM	C	ATMORE	AL		30-37-35	087-38-50	100.000	474.0	508.0	353.1	1.6
C	52230	WPCS	LIC	208	FM	C	PENSACOLA	FL		30-35-18	087-33-16	100.000	405.0	429.0	107.2	9.1
C	73256	WMEZ	LIC	231	FM	C0	PENSACOLA	FL		30-35-18	087-33-16	100.000	405.0	437.0	107.2	9.1
C	61243	WTKX-F	LIC	268	FM	C	PENSACOLA	FL	N	30-35-18	087-33-16	100.000	405.0	437.0	107.2	9.1
C	32946	WXBM-F	LIC	274	FM	C	MILTON	FL		30-35-18	087-33-16	100.000	405.0	437.0	107.2	9.1
C	52230	WPCS	CP	208	FM	C0	PENSACOLA	FL	N	30-35-16	087-33-13	95.000	414.0	439.0	107.4	9.2
C	63931	WYCL	CP	297	FM	C0	PENSACOLA	FL	N	30-35-16	087-33-13	100.000	417.0	441.0	107.4	9.2

du Treil, Lundin, and Rackley

Coordinates: 30-36-45 87-38-43 Channel Range: 2-69 Range: 16

TVs Within 16 kilometers

Rec Type	Facility Id	Call	Status	Chan	Svc Class	Class	City	St	DA	Latitude	Longitude	ERP (kW)	HAAT (m)	RCAMSL (m)	Bearing	Dist. (km)
C	158818	NEW	GRA	18	DM		MOBILE	AL	D	30-36-45	087-38-43	396.000	552	584	0	0
C	71363	WEAR-T	STA	17	DS		PENSACOLA	FL	D	30-36-45	087-38-43	8.300	102.8	136	0	0
C	71363	WEAR-T	CP	17	DT		PENSACOLA	FL	N	30-36-45	087-38-43	1000.00	579	612	0	0
C	71363	WEAR-T	LIC	3	TV		PENSACOLA	FL	N	30-36-45	087-38-43	100.000	574.9	608	0	0
C	10894	WHBR	STA	34	DS		PENSACOLA	FL	D	30-37-35	087-38-50	108.000	415	449	353.0	1.55
C	10894	WHBR	CP	34	DT		PENSACOLA	FL	D	30-37-35	087-38-50	1000.00	415	449	353.0	1.55
C	11906	WPMI-T	LIC	15	TV		MOBILE	AL	D	30-37-35	087-38-50	5000.00	521	554	353.0	1.55
C	10894	WHBR	LIC	33	TV		PENSACOLA	FL	D	30-37-35	087-38-50	3470.00	415	449	353.0	1.55
C	83150	960722	APP	61	TV		MOBILE	AL	N	30-37-38	087-37-31	5000.00	347	378	49.46	2.52
C	17611	WSRE	STA	31	DS		PENSACOLA	FL	D	30-36-40	087-36-27	287.000	549	657	92.43	3.63
C	11906	WPMI-T	LIC	47	DT		MOBILE	AL	D	30-36-40	087-36-27	1000.00	558	590	92.43	3.63
C	17611	WSRE	CP	31	DT		PENSACOLA	FL	D	30-36-40.3	087-36-26.9	1000.00	549	590	92.28	3.63
C	11906	WPMI-T	APP	15	TV		MOBILE	AL	D	30-36-40	087-36-27	5000.00	563	595	92.43	3.63
C	83943	WBPG	LIC	55	TV		GULF SHORES	AL	D	30-36-40.3	087-36-26.8	3750.00	308	340	92.28	3.63
C	60827	WMPV-T	CP	20	DT		MOBILE	AL	D	30-35-18	087-33-16	500.000	436	468	107.1	9.11
C	60827	WMPV-T	LIC	21	TV		MOBILE	AL	D	30-35-18	087-33-16	4370.00	436	468	107.1	9.11
C	60827	WMPV-T	CP	21	TV		MOBILE	AL	D	30-35-18	087-33-16	3083.00	436	468	107.1	9.11
C	41210	WJTC	LIC	45	DT		PENSACOLA	FL	D	30-35-16	087-33-13	1000.00	457	490	107.3	9.21
C	41210	WJTC	LIC	44	TV		PENSACOLA	FL	D	30-35-16	087-33-13	3310.00	457	490	107.3	9.21

TECHNICAL EXHIBIT
APPLICATION FOR DTV CONSTRUCTION PERMIT
NEW DTV STATION
MOBILE, ALABAMA
CH 18 300 KW (MAX-DA) 574 M

Technical Specifications

Channel	18
Frequency	494-500 MHz
Proposed Site Coordinates (NAD 27)	30° 36′ 45″ North Latitude 87° 38′ 43″ West Longitude
Site Elevation above mean sea level	44.8 m
Average elevation above mean sea level of 8 equally spaced radials, 3-16 kilometers	42.5 m
Overall height of proposed antenna structure	
Above ground	579.7 m
Above mean sea level	624.5 m
Height of antenna radiation center	
Above ground	570.8 m
Above mean sea level	616 m
Above average terrain	574 m
DTV Transmitter	
Rated power output (average)	16.91 kW
Transmission line	Dielectric 562176
Nominal diameter	(6-1/8″) 15.6 cm
Length	(1,950 ft) 594.4 m
Efficiency (2.1 dB loss)	61.6%
Antenna	Dielectric TFU-28GTH 6T120
Polarization	Horizontal
Peak Power Gain	28.8
Beam Tilt	1.00°
Main Lobe(s)	110°, 230°, 350° T

Proposed Operation

Transmitter output power (average)	16.91 kW
Transmission line loss	6.49 kW
Antenna input power	10.42 kW
Effective Radiated Power (MAX-DA) (DTV average at main lobe)	300 kW