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Ms. Marlene S. Dortch
Secretary
Federal Communications Commission
c/o Natek, Inc.
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

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Re: **WT Docket No. 01-289**
Ex Parte Comments

Dear Ms. Dortch:

Aerospace and Flight Test Radio Coordinating Council ("AFTRCC"), by its counsel, hereby submits these ex parte comments in connection with the Second Further Notice of Proposed Rule Making (the "Notice") in this proceeding (FCC 06-148). In particular, AFTRCC urges that the Commission allow the use of 8.33 kHz channel spacing transceivers by flight test stations authorized under Part 87, Subpart J of the Rules.

Introduction

As the Commission's records reflect, AFTRCC is the certified Non-Government coordinator for use of the shared, Government/Non-Government spectrum allocated for flight testing. AFTRCC works closely with Government Area Frequency Coordinators, who are responsible for Federal Government use of the spectrum, in an effort to ensure that interference-free flight test operations are protected, and flight safety maximized.

AFTRCC is also the spectrum policy association for the nation's principal aerospace manufacturers. In this capacity AFTRCC serves as an advocate for the aerospace industry. This fundamental mission was at the heart of AFTRCC's formation nearly 50 years ago. Among its many accomplishments in this regard is AFTRCC's role in helping lead efforts which resulted in the allocation of the L and S bands for telemetry (1435-1525 and 2360-2395 MHz). AFTRCC has also been actively engaged in the U.S. effort to secure the allocation of additional spectrum for flight test telemetry at the next World Radiocommunication Conference.

In the Notice, the Commission has raised an issue regarding the use of 8.33 kHz channels for aeronautical enroute stations. Drawing from a proposal by ARINC and its successor-in-interest, Aviation Spectrum Resources, Inc. (or "ASRI"), and in light of increasing congestion in the aeronautical enroute service (*id.* at para. 34), the agency has invited comment on whether narrowbanding should be allowed and, among other things, whether 8.33 kHz channeling should be mandatory.

Discussion

AFTRCC urges the Commission to consider favorably the allowance of 8.33 kHz channel spacing for flight test channels, as well as aeronautical enroute channels. Commission Rule 87.137(a), note 17, currently allows use of 8.33 kHz channel spacing by flight test stations "which are required to perform installation and checkout of such radio systems prior to delivery to their customers for use outside U.S. controlled airspace." However, this Rule is unduly restrictive in that it precludes use of 8.33 kHz equipment for flight testing more generally within the U.S.

As with ARINC and aeronautical enroute spectrum, AFTRCC members are finding it increasingly difficult due to spectrum congestion to obtain access to the necessary VHF channels required to support flight test operations, and to conduct avionics testing prior to delivery to customers. Allowing 8.33 kHz spacing would help relieve this congestion, and thereby facilitate more efficient flight testing.

Currently, there are more than 240 active FCC licenses sharing a total of seventeen flight test VHF frequencies, five of which are itinerant. More than 120 fixed station licenses are sharing the twelve non-itinerant frequencies. Frequency congestion is currently a problem for many companies in Southern California, Wichita, KS., and Dallas and Fort Worth, TX., where all eligible frequencies are licensed and most are shared by three or more companies with each having one or more fixed stations in the same service area. Many other service areas such as Seattle, WA. and parts of New England also have no unlicensed frequencies.

The nature of flight test communications often involves safety of life and property, and some missions require frequent-to-constant communications between the test article crew and support personnel on the ground. Test flights often last hours, and some companies must support multiple programs and concurrent test flights on a single frequency.

In its October 2003 Report and Order and Further Notice of Proposed Rulemaking in this proceeding (FCC 03-238), the Commission determined to allow certification of transceivers capable of operating with both 25 and 8.33 kHz spacing. *Id.* at para. 31. Certainly in those instances where aircraft are equipped with dual channel-capable transceivers, as many are today, there should be no prohibition on use of the narrower spacing during the flight test process.

As the Commission and NTIA-recognized coordinator for flight test voice and telemetry frequencies, AFTRCC is in a position to assist with usage of the dual channels. Thus, while

AFTRCC does not support mandatory narrowbanding, we do urge the Commission to act favorably on ARINC's proposal, as well as the suggestion offered here by AFTRCC, for permissive narrowbanding.¹

Conclusion

Accordingly, for the foregoing reasons AFTRCC urges that 8.33 kHz channel spacing be allowed for flight test stations.

A copy of this ex parte filing is submitted for the docket.

Respectfully submitted,



William K. Keane
Its Counsel

cc: Jeffrey Tobias

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¹ This proposal is within the scope of the Notice. When it determined to allow certification of dual channel capable transceivers, the agency made special provisions for flight test stations. *See* 2003 Order at para. 31; Rule 87.137(a), note 17. Thus, the agency has not hesitated in the past to address flight test spectrum matters specifically as a logical outgrowth of broader aviation spectrum issues. Here too, flight test operations represent a small fraction (a subset, if you will) of aeronautical enroute operations in domestic airspace. It should also be noted that AFTRCC's proposal would not entail new burdens for licensees; rather, it would afford users more choices in how best to meet their spectrum requirements.