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August 14, 2008

Marlene S. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Letter – ET Docket No. 08-59, Office of Engineering and Technology Treats *Ex Parte* Comments of GE Healthcare as Petition for Rule Making

Dear Ms. Dortch:

Aviation Spectrum Resources, Inc. (“ASRI”) respectfully submits these *ex parte* comments in opposition to GE Healthcare’s (“GEHC’s”) request to establish a new Medical Body Area Network Service (“MBANS”) in the 2360-2400 MHz band.¹ As explained below, ASRI requests that the Commission take no further action on the GEHC request because the proposed MBANS operations would both cause interference to and receive interference from critically important aeronautical flight test telemetry systems.

ASRI is the communications company of the air transport industry and the industry’s licensee in aeronautical enroute and fixed services.² As such, ASRI holds FCC licenses for more than 5,000 aeronautical enroute ground stations and is responsible to the air transport industry, the FCC, and the public for using the resources to enable the efficient and safe operation of aircraft in U.S. airspace. ASRI is interested in this proceeding because the nation’s aviation operators depend on the continued safe and efficient development of aircraft.

¹ See FCC Public Notice, *Office of Engineering and Technology to Treat Ex Parte Comments of GE Healthcare as Petition for Rule Making and Seeks Comment*, ET Docket No. 08-59, DA 08-953 (Apr. 24, 2008).

² ASRI, the successor to Aeronautical Radio, Inc., is owned by members of civil aviation community. ASRI’s Board of Directors is advised in spectrum management matters by the Aeronautical Frequency Committee, which includes representatives from the major passenger and cargo air carriers, the National Business Aircraft Association (NBAA), the Aircraft Owners and Pilots Association (AOPA), and the Helicopters Association International (HAI). In addition, non-voting representation is held by the International Air Transport Association and the Air Transport Association of America. As of January 1, 2006, Aeronautical Radio, Inc., assigned all its Part 87 licenses to ASRI, and ASRI assumed the role as industry frequency manager for U.S. civil aviation.

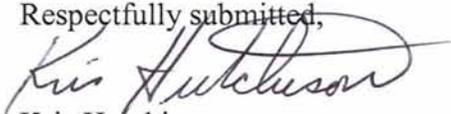
The 2360-2390 MHz band identified by GEHC for MBANS has long been allocated exclusively for purposes of gathering telemetry during the flight testing of aircraft and missiles. The band provides real-time communications between test pilots and ground-based engineers, ensuring safe flight test operations and compliance with FAA safety criteria. There is no question that the band is vital to aerospace industry productivity and global competitiveness.

FCC authorization of MBANS at 2360-2390 MHz would introduce safety risks for test pilots and persons on the ground. Field studies conducted by the Aerospace and Flight Test Radio Coordinating Council (“AFTRCC”) show that flight testing and MBANS are incompatible. Transmissions from MBANS would interfere with ground stations – particularly in heavy population areas that receive transmissions from distant aircraft with low elevation angles and low power. It also would increase testing costs (and aircraft production costs) because pilots may need to re-fly maneuvers to reliably collect uncorrupted flight test data.

In addition, interference from flight test telemetry to MBANS operations in hospitals, offices, and homes located within flight-test footprints raises reliability and safety concerns for medical BSN users. Because MBANS operation is mobile and hence uncontrollable, GEHC’s proposed “exclusion zones” would not work given the proximity of flight test centers to urban areas.

While secondary allocations can sometimes play a useful role in providing communications services, secondary allocations can be effective only if the secondary operations can tolerate inference from the primary users of the spectrum and the primary users are not likely to receive interference from the secondary users. Although it has proposed a lofty use of spectrum, GH Healthcare has not demonstrated that its proposed operations can be conducted without causing harmful interference to primary users and could tolerate the inevitable interference that primary users would cause to the proposed secondary operations. Accordingly, ASRI respectfully requests that the FCC not pursue any further the GE Healthcare proposal for a new MBAN service at 2360-2390 MHz because such a service would increase flight testing costs and introduce risks to pilot and citizen safety.

Respectfully submitted,



Kris Hutchinson

President

Aviation Spectrum Resources, Inc