

September 11, 2008

VIA ELECTRONIC FILING

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

Re: Permitted Oral *Ex Parte* Presentation
IB Docket Nos. 07-101, 05-20 and RM-11429

Dear Ms. Dortch:

On September 10th and 11th, representatives of The Boeing Company met with representatives of the Federal Communications Commission to discuss the above captioned proceedings. On September 10, 2008, Boeing representatives met with Charles Mathias, legal advisor to Chairman Martin. On September 11, 2008, Boeing representatives met with Angela Giancarlo, legal advisor to Commissioner McDowell. Participating in each of these meetings for Boeing were Audrey Allison, Alan Rinker, and the undersigned.

During the meetings, Boeing indicated that increased interest within the satellite industry in providing fixed-satellite services ("FSS") to airborne and terrestrial mobile platforms, particularly on behalf of federal government customers, has heightened the need to adopt rules that help facilitate and protect Vehicle-Mounted Earth Stations ("VMES") and Aeronautical Mobile Satellite Services ("AMSS") in the Ku-band. In addition, the rule making proposal of UTC-Winchester to add a secondary fixed service allocation in the Ku-band further justifies designating both VMES and AMSS as primary applications of the existing FSS spectrum allocation.

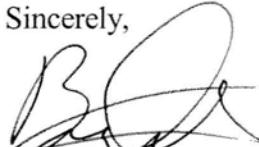
Boeing cautioned, however, that no action should be taken to elevate VMES to the level of a primary service until steps are taken to also elevate AMSS to the level of a primary service. Absent concurrent action in this regard, harmful interference situations could result between newly deployed

VMES operations and long-standing secondary AMSS services that Boeing and other companies provide to important U.S. government customers.

Boeing also raised additional arguments that are outlined in the attached talking points, which were distributed during the meeting. Boeing further addressed procedural issues involved in concurrently resolving outstanding issues that exist in IB Docket Numbers 07-101 and 05-20.

Please contact the undersigned if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Olcott', written in a cursive style.

Bruce A. Olcott

Vehicle Mounted Earth Stations NPRM

IB Dockets 07-101 & 05-20, RM-11429

The Boeing Company

September 2008

- Recent developments have made it increasingly important for the Commission to adopt rules that facilitate and protect aeronautical and terrestrial mobile FSS applications in the Ku-band.
 - Boeing and a growing number of other companies are offering airborne and terrestrial mobile Ku-band FSS services for federal government and non-government customers.
 - The UTC-Winchester petition seeks to add a secondary fixed service allocation in the Ku-band, which would be incompatible with mobile FSS applications.
- The Commission should adopt VMES rules that are application and technology neutral.
 - *Application neutrality* should be achieved by including all motorized vehicles in the definition of VMES, revising the definition proposed in the NPRM as follows:

Vehicle-Mounted Earth Station. A VMES is an earth station, operating from a motorized vehicle ~~that travels primarily on land~~, that receives from and transmits to fixed-satellite space stations and operates pursuant to the requirements set out in § 25.XXX of this part.
 - *Technology neutrality* should be achieved by authorizing airborne and terrestrial VMES to operate on a primary basis in the Ku-band using any technology, including spread spectrum based technologies, if they either:
 - Meet the off-axis e.i.r.p. density mask and pointing accuracy requirements included in Section 25.222 of the Commission’s rules, or
 - Demonstrate equivalent protection to adjacent satellites through various combinations of pointing accuracy and power levels (but not on a non-conforming basis pursuant to Section 25.220 of the rules), or
 - Coordinate with adjacent satellite operators to operate at more relaxed limits.
 - The adoption of application and technology neutral VMES rules is widely supported.
 - ViaSat, ARINC and SIA (representing the consensus position of the satellite industry) support providing the same treatment to airborne and terrestrial mobile FSS operations by designating both AMES and VMES as primary applications of the existing Ku-band FSS allocation.
 - Even General Dynamics appears to acknowledge the public interest benefits of serving the aeronautical market, promoting its Ku-band Warrior™ SATCOM and Troposcatter Communications Terminals in FCC presentations as supporting “*airborne applications.*” (See *GD Ex Parte*, 10/25/07 at 28)