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The Boeing Company  
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December 11, 2008

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554



**Re:** WT Docket No. 07-293  
IB Docket No. 95-91  
Gen. Docket No. 90-357  
RM No. 8610

Dear Chairman Martin:

The Boeing Company is writing to express its support for protecting flight-test telemetry operations in the 2360-2395 MHz band from interference from emissions by users who could severely impact our ability to safely test and certify our products. Specifically, we are concerned that current power levels permitted to the Wireless Communications Service ("WCS") operations in the 2345-2360 MHz band would reduce the safety and operational efficiency of flight testing operations.

Among the issues on which the Commission has invited comment in these proceedings is the protection of adjacent band services against "the risk of interference" from WCS licensees. The spectrum used by the wireless communications services at 2345-2360 MHz is immediately adjacent to flight test telemetry spectrum at 2360-2395 MHz. WCS licensees seek changes to the Commission Rules which would have a significant impact on Boeing's flight test operations in this country. While the spectrum band licensed for WCS purposes has been largely unused for over ten years, the proposed regulatory changes represent a major shift in the use of the band.

The Boeing Company is committed to maintaining the integrity of the spectrum that provides a vital link between ground engineers and aircraft. This spectrum enables our flight test engineers to monitor the condition and performance of our aircraft in real time. It also enables the detection of dangerous conditions aboard the aircraft when there is still time to take corrective measures. Interference-free telemetry spectrum is essential for safe flight test operations.

Flight test telemetry spectrum is essential for the productivity of The Boeing Company as well as the aerospace industry -- the nation's largest contributor to a positive



balance of trade.<sup>1</sup> By means of this spectrum, Boeing is able to clear multiple test points in a single flight, and thus expedite the FAA and Department of Defense airframe certification processes. The 2360-2395 MHz band is critical to accomplishing test programs in the most safe and efficient manner possible, and enhances Boeing's global competitiveness. While Boeing does not object to general efforts to improve the usability of the 2345-2360 MHz band, doing so without adequately protecting adjacent frequency bands, as proposed by WCS and being considered by the Commission, would cause a major reduction in the usable airspace utilized for flight testing. This reduction will create severe consequences to the timely delivery of aircraft, thereby exacerbating problems in this difficult economic time. Combined with multiple other constraints the industry faces in attempting to conduct flight testing – for example, daily FAA flight clearances and air traffic congestion – not providing adequate interference protections from adjacent band users is unacceptable.

The Boeing Company supports the comments filed in this proceeding by the Aerospace and Flight Test Radio Coordinating Council ("AFTRCC"). AFTRCC engineering studies clearly demonstrate the harmful effects of allowing WCS companies to change the nature of their operations while continuing to utilize the existing out-of-band (OOBE) emissions limits. As AFTRCC has stated, interfering signals cannot be filtered by telemetry receivers without filtering the weak telemetry signals the companies are seeking to receive. Accordingly, it is important that the revised OOBE standards be tighter than the existing  $43 + 10 \log (P)$  level. In particular, AFTRCC has proposed that the limit be tightened to  $70 + 10 \log (P)$ , a limit which is practical given current technology.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Dennis P. O'Donoghue".

Dennis P. O'Donoghue  
Vice President  
Flight Operations, Test & Validation

cc: The Honorable Michael J. Copps  
The Honorable Jonathan S. Adelstein  
The Honorable Deborah Taylor Tate  
The Honorable Robert M. McDowell

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<sup>1</sup> In 2007, for example, aerospace exports exceeded imports by \$61 billion. The next closest industry contributed a net \$29 billion. The aerospace industry employed approximately 645,600 Americans in 2007.