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April 8, 2009

**VIA ELECTRONIC FILING**

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

**Re: Permitted Oral *Ex Parte* Presentation  
ET Docket No. 08-59**

Dear Ms. Dortch:

On April 7, 2009, representatives of The Boeing Company met with Commissioner Jonathan S. Adelstein and his acting advisor, Elizabeth Chernow, to discuss Boeing's concerns about the above referenced proceeding. Attending the meeting on behalf of Boeing were Timothy J. Keating, Senior Vice President, Government Operations; Michael A. Hammer, Chief Engineer, Flight Test Operations, Boeing Commercial Airplanes; Audrey Allison, Director, Frequency Management Services, Shared Services Group; Frank C. Weaver, Director, Telecommunications Policy; and Joseph Cramer, Regional Director, Frequency Management Services, Shared Services Group.

During the meeting, the parties discussed Boeing's use of flight test telemetry spectrum to support aircraft manufacturing programs for commercial and government customers. Boeing officials explained that its flight test program is an expensive and time sensitive operation that requires testing to be completed not only for each new aircraft design, but also immediately after each individual aircraft is manufactured in order to enable its timely delivery to customers worldwide.

Boeing officials made reference to field test results that have been provided to the Commission by the Aerospace and Flight Test Radio Coordinating Council ("AFTRCC"), which demonstrate that the proposed operation of Body Sensor Networks ("BSNs") in the spectrum allocated for flight test operations would cause harmful interference to flight tests by inhibiting the signal from a flight test

aircraft to a ground station. Boeing officials explained that such harmful interference would likely obligate Boeing to repeat flight tests, creating significant additional costs and delays, both with respect to the resources required to repeat flight tests, and with respect to contract penalties for late delivery of aircraft.

Boeing urged that the Commission ensure that any Notice of Proposed Rulemaking (“NPRM”) that is released in this proceeding thoroughly propose and consider spectrum allocations for BSN devices that do not require co-frequency spectrum sharing with flight test operations. In this regard, Boeing officials observed that AFTRCC has expressed willingness for the Commission to allocate spectrum at the lower and upper edges of the flight test band for BSNs (2300-2305 MHz and 2390-2400 MHz).

Please contact the undersigned if you have any questions.

Sincerely,

/s/ Bruce A. Olcott  
Bruce A. Olcott