

June 26, 2009

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 and 05-20

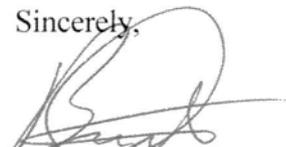
Dear Ms. Dortch:

On June 25, 2009, representatives of The Boeing Company met with Renée Roland Crittendon, Senior Legal Advisor to Commissioner Jonathan Adelstein, to discuss the above captioned proceedings. Participating in the meeting for Boeing were Audrey Allison, Alan Rinker and the undersigned.

During the meeting, Boeing urged the Commission to adopt an order in the VMES proceeding only in concert with further action in the long-pending Aeronautical Mobile Satellite Services (“AMSS”) proceeding. Boeing expressed concern that action on VMES, absent concurrent action on AMSS, could force pre-existing critically-important AMSS networks in the United States to accept harmful interference from VMES networks.

Boeing 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,



Bruce A. Olcott

Vehicle Mounted Earth Stations Order

IB Dockets 07-101 & 05-20

The Boeing Company

June 2009

- Vehicle-Mounted Earth Stations (“VMES”) should not be designated as a primary application of the Ku-band Fixed Satellite Service (“FSS”) without concurrently moving forward with the same designation for the Aeronautical Mobile Satellite Service (“AMSS”).
- Designating VMES as primary without concurrently elevating AMSS would force AMSS networks to accept harmful interference from VMES and could force AMSS networks to shutdown if the origins of interference from VMES networks cannot be promptly ascertained.
 - Both VMES and AMSS have been field tested pursuant to experimental licenses, but AMSS has been tested far more extensively because of commercial AMSS networks operated by Boeing and others.
 - AMSS is also not subject to the same technical uncertainties that exist for VMES:
 - VMES is subject to greater pointing error concerns due to the constant shifting of terrestrial vehicles in motion.
 - VMES also raises public safety concerns regarding the radiation hazards of pointing a transmit beam at populated buildings and adjacent vehicles.
- The AMSS proceeding has been pending before the Commission far longer than the VMES NPRM – the AMSS NPRM since January 2005 and the VMES NPRM since May 2007.
- Addressing the two services concurrently is appropriate since both VMES and AMSS networks often use identical transmit/receive terminals, tracking technologies, satellite beams, and network operation control centers.
 - Boeing, for example, uses experimental licenses to operate both VMES and AMSS terminals using the same network equipment, control staff, and satellite transponders.
 - Even General Dynamics has acknowledge that the same equipment is suitable for both services, promoting its Ku-band Warrior™ SATCOM and Troposcatter Communications Terminals in FCC presentations as supporting “*airborne applications.*” (See *General Dynamics Ex Partes*, 4/29/09 at 29 and 10/25/07 at 28)
- Consistent treatment for VMES and AMSS is widely supported – ViaSat, ARINC and SIA all expressed support in the VMES proceeding for providing identical treatment for AMSS.
- At the very least, the Commission should require VMES networks to protect pre-existing AMSS networks, particularly AMSS networks used for critical U.S. government aircraft.
- Further, if the record in the AMSS proceeding needs to be refreshed, the Commission should request further comments at the same time it adopts its VMES order.