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UNITED STATES DEPARTMENT OF COMMERCE  
National Telecommunications and  
Information Administration  
Washington, D.C. 20230

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Received & Inspected

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FCC Mail Room

Mr. James D. Schlichting  
Acting Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Request for Waiver of Sections 87.131, 87.133, 87.137, 87.173, 87.345, and 87.349, and 2.901-2.1093 of the Commission's Rules Regarding Aeronautical Utility Mobile Stations and Equipment Authorization Procedures -- EXPEDITED ACTION REQUESTED

Dear Mr. Schlichting:

Pursuant to Sections 1.925 and 0.131 (b) of the Federal Communications Commission's ("Commission's") rules, the National Telecommunications and Information Administration (NTIA)<sup>1</sup> requests an expedited waiver to permit airports to obtain licenses to use the frequency 1090 MHz for runway vehicle identification and collision avoidance, noting that a rulemaking to add this use is pending. The Federal Aviation Administration (FAA) strongly supports this request in order to permit implementation of this new enhancement to airport runway safety as soon as possible.<sup>2</sup> Interested parties generally support rapid deployment of this capability.<sup>3</sup>

<sup>1</sup> NTIA is the Executive Branch agency principally responsible for the development of telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry, for the coordination of the telecommunications activities of the Executive Branch, and for the effective presentation of the views of the Executive Branch to the Commission. 47 U.S.C. § 902 (b) (2).

<sup>2</sup> The FAA Administrator may prescribe regulations preventing aircraft collisions, including collisions with land vehicles. 49 USC 40103(b) (2) (D). Reducing the risk of runway incursions by improving existing surface movement infrastructure is one of the FAA's strategies for achieving increased safety. Federal Aviation Administration, 2009-2013 FAA Flight Plan at 14-15, *available at* [http://www.faa.gov/about/plans\\_reports/media/flight\\_plan\\_2009-2013.pdf](http://www.faa.gov/about/plans_reports/media/flight_plan_2009-2013.pdf).

<sup>3</sup> Airports Council International-North America, Statement in Support of NTIA's Petition for a Rulemaking Proceeding, RM-11503 (Dec. 15, 2008) ("Airports Council Statement") at 2; Comments of the City of Atlanta and Hartsfield-Jackson Atlanta International Airport in Support of NTIA's Petition for a Rulemaking Proceeding, RM-11503 (Dec. 15 2008) ("Atlanta Comments") at 8; Sensis Corporation, Statement in Support of the Petition's request to initiate a rulemaking proceeding, RM-11503 (Dec. 15, 2008)("Sensis Statement") at 3.

NTIA recently petitioned the Commission for a rulemaking to amend portions of 47 C.F.R. Part 87 ("Part 87 Rulemaking"), to allow Aeronautical Utility Mobile (AUM) Stations to use the 1090 MHz frequency for runway vehicle identification and collision avoidance.<sup>4</sup> The Commission solicited comments in short order.<sup>5</sup> All commenting parties support the proposed rulemaking.<sup>6</sup> Indeed, the FAA anticipates that airports with pressing needs to improve runway safety will seek to implement this upgrade prior to the completion of the Part 87 Rulemaking.<sup>7</sup> The waiver will permit the smooth processing of airport applications for licenses to use the 1090 MHz frequency to reduce runway hazards. Of course, such licenses will be subject to the final rules issued in the Part 87 Rulemaking. Additionally, NTIA requests that certification procedures pursuant to 47 C.F.R. §§ 2.901- 2.1093 be waived until final rules are in place.

NTIA requests that the Commission issue a waiver for those applications that meet the conditions specified in the NTIA Part 87 Petition, as modified by the Reply Comments of Sensis Corporation,<sup>8</sup> as well as an additional requirement to pre-coordinate with the FAA prior to filing with the FCC. These conditions and the additional requirement are as follows:

1. The frequency is limited to 1090 MHz (47 C.F.R. §§ 87.173 and 87.349);
2. The waiver is limited to the Aeronautical Utility Mobile (AUM) class of station (47 C.F.R. §§ 87.131; 87.173(b) and 87.349);
3. The authorized emission shall be M1D (47 C.F.R. § 87.131);
4. The maximum transmit power shall be 20 watts (47 C.F.R. § 87.131);
5. The frequency stability requirement shall be at least 1 part per thousand. (47 C.F.R. § 87.133(a)(7));

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<sup>4</sup> Petition for Rulemaking of the National Telecommunications and Information Administration, RM - 11503 (filed July 29, 2008) ("Part 87 Petition").

<sup>5</sup> Public Notice, "Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking by the National Telecommunications and Information Administration To Allow Aeronautical Utility Mobile Stations To Use 1090 MHz for Runway Vehicle Identification and Collision Avoidance," RM-11503, DA 08-2505 (Nov. 13, 2008).

<sup>6</sup> Airports Council Statement, *supra* note 3; Atlanta Comments, *supra* note 3 ; Comments of the Boeing Company, RM-11503 (Dec. 15, 2008); Letter from David Ishihara, Director, Aviation Operations, Boston-Logan International Airport to Marlene H. Dortch, Secretary, Federal Communications Commission, on behalf of the Massachusetts Port Authority, RM-11503 (Dec. 17, 2008); Sensis Statement, *supra* note 3.

<sup>7</sup> Letter from Oscar Alvarez, Director Spectrum Engineering Services, FAA to Edward Davison, Chairman, Interdepartment Radio Advisory Committee, NTIA (Apr. 9, 2009) ("FAA Letter"), enclosed hereto. The FAA Letter lists 24 airports that are expected to provide operational Airport Surface Detection Equipment, Model X (ASDE-X) within fiscal year 09. The Part 87 Rulemaking proposes to use the 1090 MHz frequency in conjunction with ASDE-X for runway vehicle identification and collision avoidance. Of these 24, 20 are ranked in the top 35 busiest airports in the country.

<sup>8</sup> Part 87 Petition, *supra* note 4, Annex; Reply Comments of Sensis Corporation, RM-11503 (Dec. 30, 2008) ("Sensis Reply"), Attachment C.

6. The emission designator shall be 14M00M1D (47 C.F.R. § 87.137(a));
7. The authorized -20dB bandwidth shall be 14 MHz or less. (47 C.F.R. § 87.137(a));
8. The license shall be issued to airport authorities or entities approved by the FAA and shall be coordinated by the Commission through the Interdepartment Radio Advisory Committee (IRAC) process (47 C.F.R. § 87.345);
9. Each license shall be limited to a maximum of two hundred (200 AUM stations (47 C.F.R. § 87.345);
10. Each license shall be limited to those locations that are in the vicinity of an FAA ASDE-X multilateration system or ADS-B equipment, and/or where the primary purpose for seeking transmit authorization is to provide surface data to aircraft and air traffic control authorities (47 C.F.R. § 87.345);
11. The use of the frequency shall be limited to AUM stations operated within the movement area; and
12. The message transition rates shall be segregated by position, status and aircraft identification messages as follows (47 C.F.R. § 87.345):<sup>9</sup>

<b>ADS-B Message</b>	<b>Rate when Moving</b>	<b>Rate when Stationary</b>
Surface Position Message (Types 5, 6, 7, and 8)	Every 0.4 to 0.6 seconds	Every 4.8 to 5.2 seconds
Aircraft Operational Status (Type 31)	Every 4.8 to 5.2 seconds	
Aircraft Identification and Type (Type 2)	Every 4.8 to 5.2 seconds	Every 9.8 to 10.2 seconds

13. Each FCC application for a license to transmit under this waiver request shall be pre-coordinated with the FAA and a Non-Government Temporary Coordination Number obtained from the FAA.

The expedited grant of the requested waiver, by permitting rapid deployment of a new technology to improve runway safety and collision avoidance, is in the public interest. Therefore, NTIA requests that the Bureau grant this waiver request as quickly as possible.

<sup>9</sup> See RTCA/DO-260A, *Minimum Operational Performance Standards for 1090 MHz Extended Squitter Automatic Dependent Surveillance – Broadcast (ADS-B) and Traffic Information Services – Broadcast (TIS-B)* (dated Apr. 10, 2003), as modified by Change 1 to RTCA/DO-260A (dated June 27, 2006), and Change 2 to RTCA/DO-260A (dated Dec. 13, 2006); EUROCAE Standard ED-102, *MOPS for 1090 MHz Automatic Dependent Surveillance-Broadcast (ADS-B)*. RTCA documents can be purchased at RTCA, Inc, 1828 L Street, N.W., Suite 805, Washington, DC 20036 or ordered through the RTCA website: <http://www.rtca.org>. EUROCAE documents may be purchased at [www.eurocae.net](http://www.eurocae.net).

NTIA looks forward to working with the Commission on the licensing of airports under waiver as well as on finalizing the Part 87 Proceeding. If you have any questions, the NTIA point-of-contact is Mr. Edward M. Davison ([edavison@ntia.doc.gov](mailto:edavison@ntia.doc.gov); 202-482-5526).

Sincerely,



Karl B. Nebbia  
Associate Administrator  
Office of Spectrum Management

Enclosure: FAA Letter

cc: Julius P. Knapp, Chief  
Office of Engineering and Technology

Enclosure



U.S. Department  
of Transportation  
Federal Aviation  
Administration

APR - 9 2009

Edward Davison  
Chairman  
Interdepartment Radio Advisory Committee  
1401 Constitution Ave., N.W.  
Washington, DC 20230

Dear Mr. Davison:

The National Telecommunications and Information Administration (NTIA) has petitioned the Federal Communications Commission (FCC) to amend the waiver of Title 47 C.F.R. Part 87 rules regarding Aeronautical Mobile Stations. The rule change—if approved—will permit the certification and licensing of Aeronautical Utility Mobile Station equipment and transmissions on 1090 MHz. These changes are critical to helping to protect the flying public, airlines, and airport employees from injury or death arising from an aircraft colliding with a vehicle when landing, departing, or taxiing at an airport.<sup>1</sup>

To expedite the implementation of this technology, a waiver request has also been drafted by NTIA for consideration by the FCC. The waiver request will ask that, until final rules are in place and subject to certain conditions, manufacturers be relieved of the need to obtain equipment certification of the Aeronautical Utility Mobile Station transmitters and that airports be allowed to obtain licenses to use the frequency 1090 MHz for runway vehicle identification.

The Federal Aviation Administration (FAA) fully supports NTIA's efforts to obtain such a waiver, but understands that limiting the waiver to a small number of airports is being considered. The rulemaking and the waiver request will limit the use of Aeronautical Utility Mobile Stations to those locations in the vicinity of an airport surface detection equipment (ASDE-X) multilateration system or automatic dependent surveillance broadcast (ADS-B) equipment. The FAA believes that this condition automatically limits the scope of the waiver.

The current list of all 39 airports that either have or are scheduled to receive ASDE-X multilateration or ADS-B equipment is attached. Thirty-five of the airports on this list have been ranked as the busiest in the nation. By the end of fiscal year 2009, twenty-four of the airports will have the ground equipment that is necessary for Aeronautical Utility Mobile

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<sup>1</sup> Runway Safety Improvement Act of 2008, S. 2941, 110 Cong. 2d Sess. introduced by Senator Lautenberg Apr. 30, 2008); Sniffen, M., High Risk of Runway Collision Plagues U.S., Associated Press, available at <http://www.aviation.com/safety/071206-ap-us-runway-collision-danger.html> (posted Dec. 6, 2007).

Stations to be used. The FAA asks that if the FCC will only grant a waiver for select locations, that these 39 airports, and any other airports that implement ADSE-X prior to the time final rules are adopted, be considered as part of the waiver request. Extending the waiver to only those airports in the attachment will limit the FAA's flexibility to accommodate potential changes in requirements through modifications to the schedule.

Please contact Mr. Michael Richmond at (202) 493-4157 or Mr. Timothy Pawlowitz at (202) 267-9739 if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Oscar Alvarez". The signature is fluid and cursive, with the first name "Oscar" being larger and more prominent than the last name "Alvarez".

Oscar Alvarez  
Director, Spectrum Engineering Services

Existing/Future ASDE-X Locations				
ID	Airport	ADS-B Key Site	ASDE-X Operational by FY09	Ranked in Top 35 Busiest Airports (based on number of operations in 2007)
MKE	General Mitchell International Airport		X	
PVD	Theodore Francis Green State Airport		X	
HOU	William P. Hobby Airport		X	
MCO	Orlando International Airport		X	X
SEA	Seattle-Tacoma International Airport		X	X
STL	Lambert-St. Louis International Airport		X	X
ATL	Hartsfield-Jackson Atlanta International Airport		X	X
BDL	Bradley International Airport		X	
SDF	Louisville International Airport	X	X	X
CLT	Charlotte Douglas International Airport		X	X
ORD	Chicago O'Hare International Airport		X	X
IAD	Washington Dulles International Airport		X	X
DTW	Detroit Metro Wayne County Airport		X	X
PHX	Phoenix Sky Harbor International Airport		X	X
FLL	Ft. Lauderdale/Hollywood Airport		X	X
JFK	John F. Kennedy International Airport		X	X
LAX	Los Angeles International Airport		X	X
BOS	Boston Logan International Airport		X	X
EWR	Newark International Airport		X	X
IAH	George Bush Intercontinental Airport		X	X
MIA	Miami International Airport	X	X	X
PHL	Philadelphia International Airport	X	X	X
DEN	Denver International Airport		X	X
DFW	Dallas/Ft. Worth International Airport		X	X
LAS	Las Vegas/McCarran International Airport			X
MSP	Minneapolis-St. Paul International Airport			X
SLC	Salt Lake City International Airport			X
LGA	LaGuardia Airport			X
SFO	San Francisco International Airport			X
MEM	Memphis International Airport			X
CVG	Covington/Cincinnati International Airport			X
HNL	Honolulu International Airport			X
MDW	Chicago Midway Airport			X
ANC	Anchorage International Airport			X
BWI	Baltimore-Washington International Airport			X
DCA	Washington National Airport			X
PDX	Portland International Airport			X
TPA	Tampa International Airport			X
RDU	Raleigh-Durham International Airport			X