

May 24, 2011

**BY ELECTRONIC FILING**

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

**Re: Written Ex Parte Statement; ET Docket No. 08-59**

Dear Ms. Dortch:

The Boeing Company (“Boeing”) herein expresses its conditional support for the joint proposal submitted in this proceeding by the Aerospace and Flight Test Radio Coordinating Council (“AFTRCC”), GE Healthcare (“GEH”) and Philips Healthcare (“Philips”) (jointly “the parties”).<sup>1</sup> The joint proposal outlines an agreed-upon approach for secondary use of the flight test band by Medical Body Area Network Service (“MBANS”) systems and provides comprehensive proposed rules.

As the Commission’s records reflect, in response to the Notice of Proposed Rulemaking in this proceeding, Boeing raised significant concerns regarding the proposed operation of MBANS systems in the band 2360-2395 MHz. Boeing stressed the importance of protecting flight test telemetry from potential interference because flight testing involves safety-of-life communications with important public interest and public safety benefits. Boeing explained that the flight testing process is designed to push aircraft to their operational limits, which puts flight crews at substantial, yet controlled risk. Flight test engineers monitor the aircraft’s status in real-time using telemetry to gather information and ensure the safety of pilots, passengers and those on the ground. Interference to real-time telemetry signals could result in the ground crews being unable to alert the flight crew in time to avoid or correct a dangerous situation. For this reason, the Commission has recognized flight testing as involving safety-of-life service and protected it from spectrum sharing requirements that would cause harmful interference.

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<sup>1</sup> See AFTRCC, Philips & GE Proposal for Secondary Use of Primary AMT Spectrum by MBANS, ET Docket No. 08-59 filed Jan. 14, 2011.

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Boeing argued that specific protection measures would be required to permit secondary MBANS operations in the 2360-2395 MHz band. Among other things, line-of-sight exclusion zones are necessary for MBANS devices around fixed and mobile Aeronautical Mobile Telemetry (“AMT”) receive antennas in order to protect AMT operations under worst case conditions. In addition, due to concerns regarding enforcement of exclusion zones, Boeing argued that the Commission should require the use of built-in electronic key and beacon signal mechanisms by MBANS. Boeing also stated that the need to avoid an increase in the noise floor in the band would require control of aggregate interference from all MBANS devices in each community. Boeing further observed that exclusion zone protection of new and mobile AMT receive antennas on sometimes short notice would be needed for Boeing to retain the necessary flexibility to conduct flight testing in various locations to account for changes in weather and other conditions. Finally, Boeing stressed that potentially higher power MBANS operations in the 2390-2340 MHz band would require strict limits on out of band emissions to protect AMT operations in the adjacent 2360-2390 MHz band. The numerous concerns raised by Boeing in its comments have not been refuted by any party that filed comments in this proceeding.

Boeing retains its strong concerns regarding secondary MBANS operations in the 2360-2395 MHz band. Boeing, however, recognizes the Commission’s goal of encouraging spectrum efficiency and the need to embrace unique circumstances for spectrum sharing. Boeing, as a member of AFTRCC, has supported AFTRCC’s filings in this proceeding, and has participated actively with AFTRCC in the negotiations with GEH and Philips, concerning a possible approach for secondary use of the flight test spectrum by MBANS devices. Those negotiations have led to the joint proposal advanced by AFTRCC, GEH and Philips. The joint proposal seeks the adoption by the Commission of carefully crafted rules and a coordination regime that would permit secondary MBANS operations in the flight test telemetry band while protecting adequately sensitive flight test receivers from harmful MBANS interference in a manner consistent with ITU-R Recommendation M. 1459.

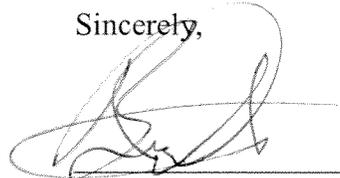
Boeing is pleased that the parties, working in good faith, have been able to reach a resolution that provides a framework for protecting sensitive flight test receivers while also accommodating a new and beneficial use of the spectrum resource. The negotiations between the parties were aided in this regard by the unusual circumstances that characterize the proposed MBANS operation, which are unlikely to be replicated in the context of most other commercial services. Specifically, MBANS devices will operate at very low power levels, in a limited number of controlled locations, and under the supervision and control of trained operators and coordinators. Boeing therefore believes that the compromise proposed by the parties for the flight test telemetry band could not be extended to most other communication services, particularly those characterized by ubiquitous mobile use.

Accordingly, this filing is intended to memorialize Boeing’s conditional support for the joint proposal. Boeing’s support, however, is strictly limited to the specific terms of the proposal, as recently refined, that was submitted by the parties to the Commission. The joint proposal resulted from more than 15 months of detailed negotiation and technical analyses by the parties in order to adequately protect primary flight test operations in the band. Any changes to the proposal could upset the delicate balance contained in the proposed rules and result in unaddressed interference concerns. Boeing therefore urges the Commission to adopt the proposal only as presented by the parties in order to ensure the adequate

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protection of critical safety-of-life flight test operations. Any questions regarding this filing may be directed to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce A. Olcott", written over a horizontal line.

Bruce A. Olcott  
Joshua T. Guyan  
Counsel to The Boeing Company