

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Amendment of the Commission's Rules	)	WT Docket No. 10-61
Governing Certain Aviation Ground Station	)	
Equipment	)	
	)	
Establishment of Audio Visual Warning System	)	RM No. 11596
as New Subpart T to Part 87 of the	)	
Commission's Rules and Regulations to	)	
Authorize Advanced Audio Visual Warning	)	
Systems for Antenna Structures and Other Air	)	
Navigation Obstacles	)	

To: The Commission

**COMMENTS OF  
THE BOEING COMPANY**

The Boeing Company ("Boeing"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, hereby submits the following comments on the Further Notice of Proposed Rulemaking in the above referenced proceeding.<sup>1</sup> Boeing supports the Commission's proposal to exclude the flight test frequencies from the available spectrum for the proposed Audio Visual Warning System ("AVWS") in the 118-136 MHz VHF aeronautical band. Boeing also notes the petitioner's acceptance of the exclusion. As long as the flight test VHF frequencies are excluded from AVWS use, Boeing withdraws its objection to authorization of AVWS stations.

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<sup>1</sup> See *Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment, Establishment of Audio Visual Warning System as New Subpart T to Part 87 of the Commission's Rules and Regulations to Authorize Advanced Audio Visual Warning Systems for Antenna Structures and Other Air Navigation Obstacles*, WT Docket No. 10-61, RM-11596, FCC 11-25 (Mar. 4, 2011) ("Further Notice").

Boeing participates in this proceeding as a global leader in the design and manufacture of commercial and military aircraft. Boeing's flight test operations are conducted to develop and refine design concepts; to demonstrate compliance with internal design criteria and government regulatory requirements; to evaluate product improvements; to demonstrate operational effectiveness; and to ensure compliance with the certification requirements of the Federal Aviation Administration, international and foreign aeronautical regulatory agencies and U.S. government customers. VHF radio communications are used to communicate with pilots during test flights and are used on a daily basis by Boeing's aircraft customers.

In March of last year, OCAS, Inc. ("OCAS") filed a petition for rulemaking proposing to use the 118-136 MHz VHF band for the AVWS aircraft warning system.<sup>2</sup> Boeing shares the goal of maximizing aircraft safety and has been at the forefront in the use of collision avoidance technologies in its aircraft, including the Traffic Collision Avoidance System and Automatic Dependent Surveillance-Broadcast system used to monitor the airspace around aircraft and to warn pilots of any threat of a mid-air collision.

The OCAS proposal raised significant concerns from Boeing and the Aerospace and Flight Test Radio Coordinating Council ("AFTRCC") about AVWS use of VHF frequencies identified in Section 87.303 of the Commission's rules for flight test stations and aircraft manufacturers.<sup>3</sup> Boeing argued that, given the important public safety considerations involved in flight test operations, the VHF flight test spectrum should not

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<sup>2</sup> See OCAS, Inc. Petition for Rulemaking, RM-11596 (Mar. 4, 2010).

<sup>3</sup> See Opposition of The Boeing Company, RM-11596 (filed Apr. 19, 2010) (Boeing Opposition") and AFTRCC *Ex Parte* Statement, RM-11596 (filed May 17, 2010) ("AFTRCC *Ex Parte*"). Boeing is a member of AFTRCC and contributed to its submission.

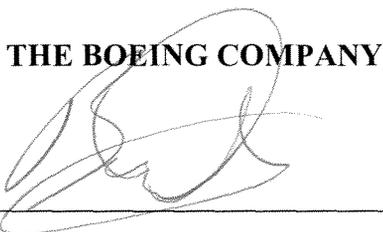
be used for any other purpose.<sup>4</sup> AFTRCC pointed out that the Commission has long recognized that flight test channels are used to enhance safety during high-risk testing and should be protected from interference.<sup>5</sup>

Boeing and AFTRCC discussed these concerns with OCAS and OCAS agreed to exclude the flight test VHF frequencies identified in Section 87.303 of the Commission's rules from its AVWS proposal.<sup>6</sup> The Commission explicitly identified this exclusion and does not propose to permit AVWS use of the flight test frequencies.<sup>7</sup> Boeing supports the Commission's exclusion of the flight test frequencies from AVWS. Assuming that exclusion remains, Boeing does not object to authorization of the AVWS stations as proposed.

Respectfully submitted,

**THE BOEING COMPANY**

By: \_\_\_\_\_



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<sup>4</sup> See Boeing Opposition at 2.

<sup>5</sup> See AFTRCC *Ex Parte* at 2-3.

<sup>6</sup> See OCAS *Ex Parte*, RM-11596 (filed July 12, 2010).

<sup>7</sup> See Further Notice, ¶¶ 5, 13.