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April 10, 2012

Ms. Marlene S. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street S.W.  
Room 2-B450  
Washington, D.C. 20554

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**Re: WT Docket No. 07-293; ID Docket No. 95-91;  
GEN Docket No. 90-357; RM-8610 Ex Parte Notice**

Dear Ms. Dortch:

This is to advise that on April 9, 2012, the undersigned, representing Aerospace and Flight Test Radio Coordinating Council ("AFTRCC"), had a telephone conversation with Julius Knapp, Chief, Office of Engineering and Technology, regarding the above-referenced proceeding.

AFTRCC addressed the AT&T proposal to rescind the prohibition on mobile/portable use of the upper band adjacent to aeronautical mobile telemetry ("AMT") (i.e. 2345-2360 MHz). AFTRCC observed that this restriction is one of the most salutary steps taken by the Commission to protect AMT operations. Rule 27.50(a)(3)(i).

Put simply, there is no effective way to coordinate mobile/portable operations. Allowing such operations in the upper band makes much more difficult the prevention of harmful interference to AMT.

The argument that the upper band is already occupied by TDD WiMax systems is not persuasive. AT&T itself has observed that the industry is evolving toward FDD-capable LTE,

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leaving TDD-centric WiMax behind.<sup>1</sup> That trend has turned into a stampede, even for operators like Sprint Nextel and Clearwire.<sup>2</sup> In other words, the marketplace has vindicated the Commission's foresight in not allowing FDD mobile/portable use of the upper band. Failure to take advantage of this trend, as the Commission wisely did in the *Report and Order*, 25 FCC Rcd. 11710 (2010), would expose flight safety communications to avoidable risks, and make the WCS-AMT coordination process more burdensome and complicated for all concerned.

AFTRCC's representative also referenced the matter of fixed station coordinations as addressed in AFTRCC's filing of April 3.

A copy of this ex parte notice is being submitted for the Dockets.

Respectfully submitted,

  
William K. Keane  
Counsel for AFTRCC

cc: Julius P. Knapp

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<sup>1</sup> See AT&T Petition for Partial Reconsideration at page 6 ("Most wireless providers are moving to LTE technology for 4G service"); attached Declaration of Douglas Duet at 1-2 (WiMax "not as well suited to mobile service as LTE").

<sup>2</sup> See *Communications Daily*, April 6, 2012 at 5-6 ("Sprint Focusing on LTE, Winds Down WiMax 4G Smartphones").