



By Electronic Delivery

May 15, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

**TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**

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Re: *Ex Parte* Submission – RM-11433

Dear Ms. Dortch:

The Telecommunications Industry Association (“TIA”) hereby submits this *ex parte* under the above-referenced docket¹ concurring with the recent submission of the State of Maryland (“Maryland”) detailing for the Commission further discussion regarding the potential for harmful interference to occur under Maryland’s proposal,² occurring subsequent to the submission of reply comments under the docket. TIA has raised this concern in the reply comment round of this docket.³

As noted in their May 11-submitted filing, we have conferred with Maryland, and it has provided supplemental information for TIA, along with assurances that:

We did specifically include in the Petition compliance with all Part 90 rules including Subpart 423(a)(3) which states that aircraft operation must be “secondary” meaning that we cannot render interference to a licensee and must

¹ Public Notice, *Public Safety and Homeland Security Bureau Seeks Comment on Petition for Waiver of Rules Filed by the State of Maryland Requesting Permission to Operate Air-to-Ground Radio Equipment on 700 MHz Secondary Trunking Channels*, RM-11433, DA 12-602 (Apr. 17, 2012).

² See State of Maryland, *Ex Parte* Letter (filed May 11, 2012) (“Maryland *Ex Parte*”).

³ See Reply Comments of TIA, RM-11433 (filed May 2, 2012) (requesting that, if the Commission acts on the Petition, [i] the granting of the Petition include a condition that Maryland make all reasonable efforts to ensure that harmful interference of other 700 MHz narrowband operations as well as on broadband operations in adjacent blocks in the band does not occur; and [ii] the Commission impose on Maryland appropriate safeguards under the Petition to protect those operations from harmful interference moving forward).

accept it (“secondary” defined specifically in Subpart 90.7). Our understanding of the rules says that we have to cease operation if the aircraft transmitter is interfering with a licensed user.⁴

Based on the supplemental information provided by Maryland, TIA expresses to the Commission that based on our understanding that Maryland’s secondary status and commitment to cease operations would also apply to broadband operations, we specifically support the Commission’s issuance of the Waiver sought by Maryland. We note that Maryland has emphasized that time is of the essence and we concur that the Commission should act as quickly as possible.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

By: /s/ Danielle Coffey

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May 14, 2012

⁴ Maryland Ex Parte at 4-5.