SQUIRE SANDERS

Squire Sanders (US) LLP
1200 19th Street, NW
Suite 300
Washington, D.C. 20036

O +1 202 626 6600
F +1 202 626 6780
squiresanders.com

Carlos M. Nalda
T +1 202 626 6659
carlos.nalda@squiresanders.com

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**VIA ELECTRONIC FILING**

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

**RE: Written *Ex Parte* Presentation of Panasonic Avionics Corporation - IB Docket No. 05-20; Service Rules and Procedures to Govern the Use of Aeronautical Mobile-Satellite Earth Stations in Frequency Bands Allocated to the Fixed-Satellite Service**

Dear Ms. Dortch:

Panasonic Avionics Corporation ("Panasonic") respectfully submits this written *ex parte* presentation as informal comments to supplement the record of the above-captioned proceeding. Panasonic, the world's leading in-flight entertainment and communications provider, is the licensee of the "eXConnect" Ku-band aeronautical mobile-satellite service ("AMSS") system.[1] The eXConnect System supports in-flight broadband connectivity for passengers and crew onboard aircraft traveling throughout the United States and around the world.

Currently pending before the Commission is a *Notice of Proposed Rulemaking* to establish service rules and procedures for AMSS systems operating in the Ku-band.[2] Although Panasonic developed the eXConnect System long after the pleading cycle closed in the AMSS service rules proceeding, Panasonic has and continues to undertake FCC licensing activity in connection with its AMSS system. In addition, Panasonic's AMSS license is subject to the

[1] *See* File No. SES-LIC-20100805-00992 and associated file numbers (Call Sign E100089).

[2] Service Rules and Procedures to Govern the Use of Aeronautical Mobile-Satellite Earth Stations in Frequency Bands Allocated to the Fixed-Satellite Service, *Notice of Proposed Rulemaking*, IB Docket No. 05-20, 20 FCC Rcd 2906 (2005).

outcome of the pending rulemaking. Accordingly, Panasonic has a direct and immediate interest in the outcome of this proceeding.

Panasonic has reviewed the record of the proceeding and believes that most issues have been adequately addressed by previous commenters. For example, operational requirements, interference mitigation measures and the benefits of affording AMSS primary regulatory status as an application of the fixed-satellite service ("FSS") have been thoroughly addressed. The Commission's adoption of service rules for Ku-band earth stations onboard vessels ("ESVs") and vehicle-mounted earth stations ("VMESs") also provides important guidance in these areas.[3]

However, one area that has received little input is whether the Commission should adopt rules requiring AMSS licensees to implement specific capabilities to address public safety and national security concerns. In joint comments filed seven years ago, the United States Department of Justice, including the Federal Bureau of Investigation, and the United States Department of Homeland Security (collectively, "the Departments") supported the Commission's efforts to enable in-flight communications services, subject to implementation of interception capabilities consistent with the Communications Assistance for Law Enforcement Act of 1994 ("CALEA")[4] and additional non-CALEA capabilities.[5]

Panasonic agrees that public safety and national security concerns must be addressed in the context of commercial AMSS services. CALEA and related statutory requirements apply to U.S.-licensed communications service providers and certain additional capabilities may be appropriate in the AMSS context. Panasonic has devoted substantial resources to develop CALEA-compliant solutions and supplemental capabilities to address public safety and national security concerns. However, Panasonic submits that adopting rules requiring AMSS licensees to implement specific non-CALEA capabilities is unnecessary, impractical and contrary to the public interest.

First, Ku-band AMSS systems involve highly proprietary network designs with unique technical implementations and service applications. Given these significant differences, there is no "one size fits all" solution or set of additional capabilities that can be adopted by the Commission to comprehensively address the concerns of U.S. law enforcement. Indeed, attempting to impose specific requirements may stifle innovation and competition by limiting the designs and service offerings of existing and future AMSS licensees.

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[3] *See* 47 C.F.R. §§ 25.222, 25.226.

[4] Comments of the Department of Justice, including the Federal Bureau of Investigation, and the Department of Homeland Security, IB Docket No. 05-20, at 4-9 (filed July 5, 2005).

[5] *Id.* at 10-15.

Second, the operational capabilities suggested by the Departments cannot be implemented in all circumstances. For example, the Departments requested that providers be able to identify the seat number or relative location of a user onboard the aircraft.[6] To the extent that services are delivered wirelessly to a user's personal electronic device, it is not possible to identify the specific seat number and it may be difficult to accurately identify the relative location of the user within the aircraft. In contrast, if services are delivered through an aircraft's in-flight entertainment system, it may be possible to accommodate this capability. AMSS providers should be permitted to address such specific capabilities through direct consultation with law enforcement.

Finally, the public safety and national security concerns raised by the Departments have been and continue to be addressed adequately without specific requirements imposed by the Commission. AMSS proponents, including Panasonic, have uniformly engaged in direct consultations with law enforcement to develop appropriate capabilities consistent with their system characteristics and service offerings. Such dialogue allows AMSS licensees and law enforcement to understand and accommodate the unique aspects of individual systems. The Commission should continue to encourage such system-specific arrangements to allow AMSS licensees to meet the needs of law enforcement without sacrificing AMSS service innovation and network design flexibility.

For these reasons, the Commission need not adopt rules requiring AMSS licensees to implement specific security-related capabilities. Instead, the Commission should continue to rely on existing statutory requirements and the long history of cooperation between in-flight communications service providers and law enforcement to ensure that public safety and national security concerns are adequately addressed on a system-by-system basis.

Respectfully submitted,

*Carlos M. Nalda*

Carlos M. Nalda
*Counsel to Panasonic Avionics Corporation*

cc: Andrea Kelly, International Bureau, Federal Communications Commission
Howard Griboff, International Bureau, Federal Communications Commission

[6] *Id.* at 12.