

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Expanding Access to Broadband and Encouraging)	GN Docket No. 13-114
Innovation through Establishment of an Air-Ground)	RM-11640
Mobile Broadband Secondary Service for Passengers)	
Aboard Aircraft in the 14.0-14.5 GHz Band)	

**REPLY COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (“NCTA”)¹ hereby responds to the comments filed in response to the Notice of Proposed Rulemaking in the above-captioned proceeding.²

The *Notice* proposes to establish “a new, terrestrial-based air-ground mobile [(“ATG”)] broadband service” that would enable broadband connectivity for passengers aboard aircraft.³ To the extent that such a service is technically and economically feasible at an affordable price, it would no doubt be an attractive option for some air travelers. But the overall value to consumers of establishing this new service could be negated if use of the service interfered with the provision of other valuable services utilizing the same frequencies. As the Commission pointed

¹ NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving more than 90 percent of the nation’s cable television households and more than 200 cable program networks. The cable industry is the nation’s largest provider of broadband service after investing over \$200 billion since 1996 to build two-way interactive networks with fiber optic technology. Cable companies also provide state-of-the-art competitive voice service to more than 23 million customers.

² See *In re Expanding Access to Broadband and Encouraging Innovation through Establishment of an Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0-14.5 GHz Band*, Notice of Proposed Rulemaking, 28 FCC Rcd 6765 (2013) (“*Notice*”).

³ *Notice* ¶ 2.

out in the *Notice*, fundamental characteristics of the current use of the band “necessitate great caution in preventing harmful interference.”⁴

The *Notice* recognizes that the spectrum being considered for broadband use on aircraft – the 14.0-14.5 GHz band – is, in fact, currently used by an extremely valuable service.⁵ Specifically, that band is currently allocated to the fixed satellite service (“FSS”) for uplinks to geostationary orbit (“GSO”) and non-geostationary orbit (“NGSO”) satellites.⁶ Many of NCTA’s members – in particular, program networks as well as cable operators that provide locally originated news and sports programming – use the 14 GHz band to uplink programming content to satellites from remote locations. In some cases, the transmissions are used to send the material back to the network for editing and inclusion in the programming that is ultimately provided to the network’s multichannel video programming affiliates. In other cases, the uplinks are used to distribute the remote programming directly to affiliates.

The programming content transmitted in the 14 GHz satellite uplink most often involves electronic news gathering and sports coverage. Coverage of live news and sporting events cannot be re-filmed or recreated if there is a breakdown in the transmission. There are no “second takes” during breaking news coverage such as an approaching tornado or the hunt for the Boston Marathon bombers.

Because of the importance of these transmissions (as well as the importance of other FSS services) the Commission recognized that “it is essential that we protect FSS in the band from harmful interference.”⁷ And “[b]ecause secondary-status services may not cause harmful

⁴ *Notice* ¶ 27.

⁵ *See id.*

⁶ *See id.* ¶ 4

⁷ *Id.* ¶ 27.

interference to primary-status services, and must accept any interference they receive from primary-status services,” it proposes “that secondary status for air-ground mobile broadband is the appropriate tool for protecting FSS in the band.”⁸

The comments of the Satellite Industry Association (SIA) identify several areas in which specific specification and performance requirements would need to be examined in order to prevent ATG transmissions from causing harmful interference to FSS.⁹ Given those concerns, and given that there are no technical considerations arguing in favor of using the 14 GHz band for this purpose, assigning ATG services to a different frequency band where it could operate with greater flexibility is an option worth exploring.¹⁰

In sum, while NCTA supports the concept of spectrum sharing where appropriate, given (1) the need to protect the array of important FSS services in the 14 GHz from harmful interference and (2) the lack of marketplace impetus for using the 14 GHz band for ATG use, the Commission should, as the *Notice* states, proceed with “extreme caution” to protect FSS

⁸ *Id.*

⁹ *See* SIA Comments at 7-10.

¹⁰ *See Notice* ¶ 22. For example, as the Boeing Company pointed out in its reply comments on Qualcomm’s Petition for Rulemaking, the 47 GHz High Altitude Platform Station band, which is allocated for the air-to-ground delivery of advanced telecommunications services from balloons and light aircraft, is underutilized and may be made suitable for the service at issue in this proceeding without raising any of the difficult interference issues posed by operating in the 14 GHz band. *See Reply Comments of The Boeing Company, RM-11640, July 31, 2012, at 8-9.*

services from harmful interference, or, alternatively, explore other spectrum bands where the proposed service can operate with fewer potential constraints.

Respectfully submitted,

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