

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

In the Matter of)
)
Expanding Access to Mobile Wireless Services) **WT Docket No. 13-301**
Onboard Aircraft)

RE: Comments of Transport Workers Union of America, AFL-CIO

Dear Sir or Madam:

The Transport Workers Union of America, AFL-CIO (TWU) represents 200,000 active and retired members of the aviation, transit, rail and gaming industries; including more than 12,000 flight attendants in the service of Southwest Airlines Company and Allegiant Air. As such, TWU is extremely interested in worker occupational health, safety and security. In the matter before you, TWU has a profound vested interest in air transportation safety and security. We are therefore grateful for the opportunity to comment in response to the Commission’s Notice of Proposed Rulemaking (“NPRM”) regarding expanding access to mobile wireless services onboard aircraft.¹

Preface

TWU, as a prelude to comment, recommends that the Commission withdraw the NPRM to allow the U.S. Government to develop a single policy regarding onboard wireless voice communications - because while the Commission is seeking this rulemaking, the U.S. Department of Transportation (“DOT”) has publicly denounced and seeks to ban onboard cellphone calls and has initiated an Advance Notice of Proposed Rulemaking through the Office of Management and Budget (“OMB”). Meanwhile – Legislation² is making its way through

¹ See *Expanding Access to Mobile Wireless Services Onboard Aircraft*, WT Docket No. 13-301, 28 FCC Rcd 17132 (rel. Dec. 13, 2013).

² H.R. 3676: Prohibiting In-Flight Voice Communications on Mobile Wireless Devices Act of 2013

Congress that seeks to prohibit voice calls on airplanes, should the Commission lift its longstanding ban on cellular service aboard planes. It seems to be a waste of time, energy and precious government resources for the Commission, DOT and the Legislative Branch to pursue divergent goals in the matter. A better more productive path may lie with the Commission, DOT and law makers agreeing on a consistent Government policy and a consensus driven action plan forward.

In addition, the Commission needs to address the important public policy debate that the NPRM raises but does not directly address including:

- **Strong public opposition to onboard cell phone calls**
- **Security implications of onboard mobile wireless communications³**
- **The impact of onboard mobile wireless use on cabin crew, which will be responsible for ensuring in-flight compliance with applicable regulations and company policy⁴**
- **Legislation that would supersede any regulatory rule making⁵**

Comments

The Commission, seeks (through these proceedings) consistency and clarity to its rules on *technical* aspects of the provision of mobile wireless services onboard aircraft⁶ but, also affirms: it has no authority to mandate provision of mobile wireless services, whether data, voice, or both, onboard aircraft. TWU supports this act of “good government” and affirmation of the Commissions’ limited scope and authority in the matter.

The Commission also fully discloses that its authority does not extend to “matters primarily reserved for the Federal Aviation Administration (FAA), the Department of Transportation (DoT), and the airlines.”⁷ To be sure, the FAA’s rules currently provide that decisions regarding the deployment and provision of mobile communications services are left to the discretion of

³ In 2005, when the FCC considered a similar rulemaking, the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation petitioned the FCC to withdraw its proposal due to security concerns. The current NPRM does not address those concerns and it does not appear that the FCC has engaged in consultations with federal law enforcement.

⁴ See AFA Comments to FCC WT 04-435 “Operational Disruptions in the Airline Cabin”

⁵ H.R. 3676: Prohibiting In-Flight Voice Communications on Mobile Wireless Devices Act of 2013

⁶ See NPRM ¶ 75.

⁷ NPRM ¶ 77.

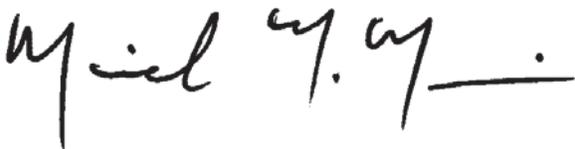
individual airlines.⁸ The Commission also stresses that “nothing in this proposal would require or ensure the provision of voice service on airplanes.”⁹

While TWU rises to the Commission’s statements to clarify its limited role here; we again feel the Commission should not move forward with this rulemaking because it does raise these issues of scope and authority while not addressing any of the related concerns. The Commission must endeavor to coordinate with the other regulatory bodies that possess the requisite jurisdictional power; to develop a single Government policy regarding in-flight cell phone calls that ensures safety and security not be compromised. If the Commission does proceed, TWU agrees that the decision as to whether to expand in-flight mobile service offerings, whether data, voice, or both, is reserved to the FAA, DoT, and individual airlines who collectively must take into account public health, safety and security in both a real sense and from a social interaction perspective.

Conclusion

TWU urges the Commission, in the interests of public safety, security and good government to withdraw the NPRM until, in order of priority, (a) the Commission coordinates with other branches of government on the significant **safety, security and policy issues** that the NPRM raises to ensure that proceeding with this rulemaking is appropriate and in the public interest, and (b) the Commission and the DOT agree on a single policy regarding in-flight cell phone use. Again, on behalf of the 200,000 current and retired members of TWU, we thank you for the opportunity to comment on this very important issue of our times and look forward to working with the Commission in addressing this matter in the future.

Respectfully submitted on February 14, 2014,

A handwritten signature in black ink, appearing to read "Michael M. Massoni". The signature is written in a cursive style with a horizontal line at the end.

Michael M Massoni
Operational Safety Chairman
Transport Workers Union of America, AFL-CIO

⁸ NPRM ¶ 4.

⁹ NPRM ¶ 73.