

**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)
)

COMMENTS OF THE SATELLITE INDUSTRY ASSOCIATION

The Satellite Industry Association (“SIA”) hereby comments on the above-captioned Notice of Proposed Rulemaking (“NPRM”).¹ In the *NPRM*, the Federal Communications Commission (“FCC” or “Commission”) seeks comment on revising its rules to facilitate the introduction of in-flight mobile connectivity (“IMC”) onboard U.S.-registered aircraft and foreign-registered aircraft traversing U.S. airspace. Specifically, the FCC proposes to eliminate existing restrictions on in-flight use of mobile devices and adopt new rules that permit aircraft operators to offer IMC applications via airborne access systems (“AASs”) designed to ensure compatibility with co-frequency systems and services.

SIA is a U.S.-based trade association providing worldwide representation of the leading satellite operators, service providers, manufacturers, launch services providers, and ground equipment suppliers.² Since its creation nearly two decades ago, SIA has become the unified

¹ *In re* Expanding Access to Mobile Wireless Services Onboard Aircraft, Notice of Proposed Rulemaking, 79 Fed. Reg. 2615 (Jan. 15, 2014), __ FCC Rcd __, FCC 13-157, WT Docket No. 13-301 (Dec. 12, 2013).

² SIA Executive Members include: The Boeing Company; The DIRECTV Group; EchoStar Corporation; Harris CapRock Communications; Intelsat S.A.; Iridium Communications Inc.; Kratos Defense & Security Solutions; LightSquared; Lockheed Martin Corporation.; Northrop Grumman Corporation; Rockwell Collins Government Systems; SES Americom, Inc.; and SSL. SIA Associate Members include: Artel, LLC; Astrium Services Government, Inc.; ATK Inc.; Cisco; Cobham SATCOM Land Systems; Comtech EF Data Corp.; DigitalGlobe, Inc.; DRS Technologies, Inc.; Encompass Government Solutions;

voice of the U.S. satellite industry on policy, regulatory, and legislative issues affecting the satellite business. As the primary organization voicing the interests of the U.S.-based satellite industry, SIA has a significant interest in the successful outcome of this proceeding.

SIA supports the Commission's initiation of this proceeding to consider whether to permit aircraft operators to allow IMC operations in the United States. U.S. airlines and the traveling public would likely benefit from expanded access to mobile broadband applications available around the world today. Consumers may wish to remain connected even onboard aircraft, and in-flight connectivity has become an increasingly commonplace amenity onboard U.S. and foreign airlines.³ A number of SIA members, in response to these growing demands, provide critical elements of in-flight connectivity networks, whether by providing the onboard satellite transmit/receive equipment or providing satellite capacity for the off-board connectivity links. SIA believes that IMC services provided around the world via satellite off-board link are yet another example of ways in which satellites enhance broadband connectivity to consumers, often where no other means of communication is available or cost effective.

SIA also notes that air travel is an inherently global market – one in which aircraft-based equipment may cross many national borders in the course of a flight. SIA has significant experience with national and international regulations affecting service to the global marketplace, as satellite equipment operators and service providers must address similar

Eutelsat America Corp.; Globecom Systems, Inc.; Inmarsat, Inc.; Exelis, Inc.; Marshall Communications Corporation.; MTN Government; NewSat America, Inc.; O3b Networks; Orbital Sciences Corporation; Panasonic Avionics Corporation; Raytheon Space and Airborne Systems; Row 44, Inc.; Spacecom, Ltd.; Spacenet Inc.; TeleCommunication Systems, Inc.; Telesat Canada; The SI Organization, Inc.; TrustComm, Inc.; Ultisat, Inc.; ViaSat, Inc., and XTAR, LLC.

³ *NPRM* ¶¶ 2, 15, 20, 21; FAA PED Report.

complexities – particularly in the context of mobile-satellite service (“MSS”) and mobile applications using fixed-satellite service (“FSS”) capacity, including earth stations onboard vessels (“ESVs”), earth stations aboard aircraft (“ESAAs”) and earth stations on moving platforms (“ESOMPs”).

In these contexts, SIA’s experience is that establishing duplicative aircraft radio station license requirements for equipment installed on foreign aircraft in U.S. territory could set an unwanted precedent for other countries which could adversely affect U.S. airlines’ abilities to offer these or other in-flight connectivity services on a global basis in the future. Appropriate technical and operational requirements are essential for the provision of IMC and a Part 87 aircraft radio station or fleet license may be an appropriate vehicle to authorize AAS operations onboard a U.S. aircraft.⁴ However, it is not clear that attempting to relicense onboard equipment to a foreign aircraft operator, for which the foreign aircraft operator already holds license authority from its registering nation, is the most appropriate regulatory approach in the context of in-flight connectivity. SIA, therefore, encourages the Commission to focus on solutions that provide the necessary technical and policy basis for domestic licensing, while keeping in balance the impact to foreign airlines in U.S. airspace and to U.S. aircraft that fly beyond U.S. boundaries.

⁴ SIA would note, however, that the Commission authorizes operation of onboard equipment via other rule parts in other in-flight connectivity contexts. For example, Ku-band ESAAs are authorized under Part 25 of the rules and 800 MHz air-ground equipment is authorized under Part 22 of the rules. SIA is not suggesting that either of these rule parts is appropriate for authorizing IMC equipment, but rather that Part 87 licensing has not been required for other in-flight connectivity equipment and the Commission should be cognizant of the potential impact that disparate licensing treatment of in-flight connectivity equipment may have both domestically and internationally. For example, foreign countries may require licensing of in-flight connectivity equipment on U.S.-registered aircraft as a response to the Commission’s additional requirements, if adopted.

For the foregoing reasons, SIA supports the Commission's initiative regarding IMC operations in the United States, and urges the Commission to move forward with its consideration of changes to enable IMC in the United States. In so doing, the Commission should consider the international nature of IMC operations and the interests of the industries that support it.

Respectfully submitted,

SATELLITE INDUSTRY ASSOCIATION



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