

**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 INMARSAT PLC, VIASAT, INC., SES AMERICOM, INC., HUGHES  
NETWORK SERVICES, LLC, AND INTELSAT CORPORATION**

Inmarsat plc, ViaSat, Inc., SES Americom, Inc., Hughes Network Services, LLC, and Intelsat Corporation (collectively, the “Satellite Commenters”) submit these comments in response to the *Notice of Proposed Rulemaking* adopted in this proceeding on December 12, 2013 (the “*NPRM*”). The *NPRM* seeks to “provide a path for interested airlines to authorize increased consumer access to airborne mobile broadband services across licensed commercial mobile spectrum bands in a safe, non-interfering manner.”<sup>1</sup> More specifically, in the *NPRM* the Commission proposes to establish “a consistent regulatory framework that explicitly forbids airborne use of mobile services in those bands unless they are operating on an aircraft equipped with an Airborne Access System.”<sup>2</sup>

The Satellite Commenters applaud the Commission’s efforts to facilitate expanded consumer access to broadband services, consistent with policy objectives set forth in the *National Broadband Plan*. As the *NPRM* suggests, bringing the benefits of airborne communications services to consumers would yield tangible public interest benefits.<sup>3</sup> Moreover, the types of rule changes being explored by the Commission through the *NPRM* have the potential to “reduce consumer confusion, increase protection against harmful interference,

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<sup>1</sup> *Expanding Access to Mobile Wireless Services Onboard Aircraft*, WT Docket No. 13-301, FCC 13-157 ¶ 1 (rel. Dec. 13, 2013) (“*NPRM*”).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* ¶ 3.

improve administrative efficiency, and facilitate expanded access to broadband services in flight.”<sup>4</sup> Accordingly, the Satellite Commenters generally support the broad proposals set forth in the *NPRM*.

The Satellite Commenters take no position with respect to the more specific issues addressed in the *NPRM*—including, in particular, whether consumers should be able to access mobile voice services while in flight and whether proposed “Airborne Access Systems” should be licensed under Part 87 or through some alternative mechanism. That said, the Satellite Commenters take this opportunity to emphasize three key points that they believe should guide the Commission as it implements rule changes pursuant to the *NPRM*.

*First*, the Satellite Commenters agree that any regulatory framework for airborne communications services should minimize regulatory burdens while maximizing flexibility. The market for airborne communications services is likely to evolve over time in response to changing consumer preferences, the emergence of new technologies, and shifts in the business climate. As such, it is important to ensure that any new regulatory framework for airborne communications services does not impose unnecessary constraints on the ability of airlines, network operators, and other service providers to respond to those changes efficiently and effectively. Stated differently, any such framework should recognize that individual airlines and their commercial partners are in the best position to determine what services are most consistent with their business objectives, the airborne operating environment, and the needs and preferences of consumers.

*Second*, the Satellite Commenters agree that any U.S. licensing framework adopted for airborne communications services should encourage foreign nations to minimize obstacles that might otherwise prevent or unnecessarily burden U.S. airlines from offering such

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<sup>4</sup> *Id.*

services in foreign airspace. One of the best ways to pursue this goal is by streamlining the procedures through which *foreign* airlines may provide such services in *U.S.* airspace. Such an approach would allow the Commission to provide valuable leadership while encouraging reciprocal treatment of U.S. airlines. Among other things, the Commission could explore ways to streamline the licensing process for foreign airlines by, for example: (i) granting Part 87 or other necessary authority to foreign airlines by rule, without the need to obtain separate licenses,<sup>5</sup> and/or (ii) affording preferential treatment to aircraft registered by nations that have streamlined regulatory requirements for U.S. airlines seeking to operate in the airspace of such nations.

In addition, the Commission could work with interested parties and appropriate U.S. governmental agencies to expedite the review and implementation of existing technical standards for the operation of Airborne Access Systems and, to the extent necessary, develop supplemental standards for the U.S. domestic market. Such an approach not only would facilitate the availability of such services in the United States on an expedited basis (including onboard foreign aircraft already offering such connectivity), but also allow for future innovation in the U.S. domestic market. As part of this process, the Commission has noted that other countries have already implemented domestic and regional authorization processes that could serve as examples for a similar U.S. approach.<sup>6</sup>

*Third*, the Satellite Commenters support the adoption of a technology neutral licensing framework and technical rules for airborne communications services. As the Commission has recognized previously, technological neutrality facilitates the ability of

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<sup>5</sup> See, e.g., *Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems*, 19 FCC Rcd 24558 ¶ 76 (2004) (explaining that Section 301 permits the Commission to exercise broad discretion in granting licenses, including the ability to “license by rule”).

<sup>6</sup> *NPRM* ¶ 13.

licensees to utilize whatever technologies most efficiently and effectively serve their business needs and the interests of consumers given the prevalent airborne operating environment. In considering the technological neutrality of proposed rules, the Commission should evaluate the impact of those rules on the provision of airborne communications services within the cabin as well as the provision of backhaul between aircraft and other networks.

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For the foregoing reasons, the Satellite Commenters urge the Commission to adopt rules consistent with these comments that will best advance consumer access to broadband services.

Respectfully submitted,

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February 14, 2014