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	)	

REPLY COMMENTS OF AIRLINES FOR AMERICA

David A. Berg
Senior Vice President and General Counsel
Airlines for America
1301 Pennsylvania Ave. NW
Suite 1100
Washington, DC 20004
dberg@airlines.org
(202) 626-4234

May 16, 2014

Airlines for America ("A4A")[1] submits these Reply Comments in response to the Commission's Notice of Proposed Rulemaking ("Notice") regarding the potential for expanded access to mobile wireless services onboard aircraft.[2] A4A appreciates the opportunity to further inform the Commission about its views concerning enabling these consumer services onboard aircraft. We look forward to working with the Commission on this important matter.

Our initial comments supported the Commission's efforts to increase consumer access to broadband services, particularly data services, by allowing passengers to use their wireless devices and existing wireless carriers onboard aircraft.[3] We agree that enabling these services safely using existing and future technologies, and giving airlines the ability to respond to market forces in terms of consumer choice, is in the public interest. The Commission's effort to facilitate airborne access to increased bandwidth available from terrestrial mobile networks will foster innovation and consumer choice. Ensuring that airlines have discretion over in-flight service offerings, subject to applicable Federal Aviation Administration safety regulations, will promote competition. Airlines, not the government, are in the best position to consider consumer demand and/or opposition to particular services and to make a market-based judgment about offerings onboard aircraft.

---

[1] A4A is the principal trade and service organization of the U.S. scheduled airline industry. A4A members and affiliates transport more than 90% of U.S. airline passenger and cargo traffic. A4A's members are: Alaska Airlines, Inc.; American Airlines; Atlas Air, Inc.; Delta Air Lines, Inc.; Federal Express Corporation.; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Continental Holdings, Inc.; and United Parcel Service Co. Air Canada is an associate member.

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

[3] As we noted in our initial comments, we recognize many consumers and some employee groups oppose onboard voice calls. A4A remains neutral on this issue. It is not our intention in these comments to take a position on whether airlines should or should not allow the use of voice calls from mobile wireless devices during commercial flights if the current FCC and FAA prohibitions are relaxed.

A4A's initial comments also endorsed flexible, technology-neutral requirements. We agree technologies exist that would safely permit onboard mobile wireless services. However, the Commission should avoid requirements that might inhibit or delay further technological innovation. A final rule should permit flexibility as to both technology solutions and commercial arrangements between airlines and mobile service providers.

Extremely important to A4A is the issue of licensing. Any licensing structure and regulatory framework, if necessary, must be flexible and streamlined. In particular, we took note of the Commission's suggestion that it may consider exempting airlines from compliance with both the regulations applicable to wireless providers under Part 20 of its rules and the express foreign investment restrictions of Section 310(b) of the Act.[4] We do not envision any airline voluntarily electing common carrier regulatory status. The Commission's tentative conclusion that airlines' existing Part 87 licenses could be amended as a licensing mechanism for Airborne Access Systems appears to hold promise as a suitable option for A4A member carriers, but it is important that this or any other regulatory approach not impose administrative burdens on airlines. We urged the Commission in our initial comments to expressly clarify that, consistent with the Notice, an airline can elect non-common carrier classification under Part 87, and that airlines would be relieved of common carrier obligations if that classification is elected.

We are interested in learning more about the non-exclusive licenses option and how it might work to maximize consumer benefits while limiting administrative and regulatory burdens on airlines who wish to offer wireless broadband services to their customers. For this reason we oppose suggestions by some commenters to reject alternative licensing options. Dismissing new

[4] *See* Notice ¶¶ 57-59.

or alternative ideas outright would limit competition and innovation, restrict consumer choice, and entrench existing services.

Finally, we continue to believe that international reciprocity is an important component of any regulatory framework. We urge the Commission to establish a flexible procedure that will allow foreign airlines to operate their systems in the U.S. without additional licensing mandates. Doing so will encourage reciprocal treatment of U.S. airlines.

Respectfully submitted,

David A. Berg
Senior Vice President and General Counsel
Airlines for America

May 16, 2014