

REQUEST FOR BLANKET LICENSE UNDER 47 C.F.R. §5.75

1. Introduction

By the instant application (“Application”), and pursuant to 47 C.F.R. §5.75, BAE Systems Information and Electronic Systems Integration Inc. (“BAE Systems”) requests Commission grant of a blanket license for the facilities specified in the instant Form 442 (the “Application”). The key factors relevant to the Commission’s consideration of this Application are as follows:

- BAE Systems has already been granted authority by the Commission - pursuant to 2 year experimental licenses and/or Special Temporary Authority (“STA”) – to operate all of the *same* frequencies and *same* bands identified in the Application at the areas (the “New Hampshire Ranges”) identified herein.
- The Application proposes operation of the facilities within the *same* power limits previously granted to BAE Systems, and using the *same* emissions, bandwidths and modulations for which BAE Systems was previously authorized.
- Operation is proposed using the *same* transmitting equipment and antennas (and with the *same* directionality and orientation and other operating characteristics) as previously authorized by the Commission in its prior grants to BAE Systems.
- BAE Systems accepts the imposition of the *same* frequency restrictions previously imposed by the Commission in connection with its prior grants for these facilities.
- Grant of the requested blanket license will, consistent with Commission policy and precedent,¹ significantly increase administrative efficiencies for the Commission, eliminate unnecessary regulatory burden on BAE Systems, assist the timely deployment of critical communications systems to the United States military, and not harm any third party nor increase the potential for interference.

¹ See *Amendment of Part 5 of the Commission’s Rules to Revise the Experimental Radio Service Regulations*, ET Docket No. 96-256, *Report and Order*, 13 FCC Rcd 21391 (“Streamlining Order”).

2. Grant of a Blanket License is in the Public Interest

Section 5.75 of the Commission's rules provides that where "experiments are related or conducted by the same manufacturer, an applicant may apply for a blanket license encompassing the entire experimental program." 47 C.F.R. §5.75. For the reasons set forth herein, grant of a blanket license to BAE Systems for the facilities identified in this Application is in the public interest, convenience and necessity.

A. Background

As the Commission is aware, over the last several years, BAE Systems has been granted numerous experimental licenses and STA grants addressing frequency requirements at the New Hampshire Ranges. Such grants have been obtained to support routine antenna pattern testing experiments and system level validation tests related to (i) government contracts supporting the development of military communications systems; and (ii) internal research and development ("IR&D") of such systems.

Initially, BAE Systems submitted individual experimental filings on a case-by case basis, as new contracts and programs were identified requiring operation on varying frequency bands at the New Hampshire Ranges. During this initial period, and in close consultation with Commission staff, BAE Systems was careful to avoid speculative filings and thus filed for experimental facilities based solely on program needs as they arose.

After these initial filings were granted by the Commission, BAE Systems started to identify new transmission requirements for the New Hampshire Ranges utilizing frequency bands, maximum power levels, transmitting equipment and test methodology which overlapped with the company's prior experimental grants. Such new transmission requirements contained the *same* frequency bands, maximum power levels, transmitting equipment and test methodology as the company's prior grants, and the only difference was simply that such new transmission requirements were in support of newly identified military contracts, customers and IR&D programs. Consistent with instructions from Commission staff at the time, BAE Systems is currently required to seek, through multiple and repeated filings, separate authorizations for such new transmission requirements despite the fact that the frequency bands, maximum power levels, transmitting equipment and test methodology have "overlapped" with prior grants. Although BAE Systems hoped to handle these "overlapping" transmission requirements through informal notification processes, the company has been advised by the Commission that new formal filings must be submitted for newly identified contracts and programs even where the transmission requirements for such contracts and programs overlapped precisely with the company's prior experimental grants.

B. The Current Untenable Situation and the Impact on BAE Systems, the Commission and the United States Military

The approach described above has resulted in tremendous administrative burden and inefficiencies for BAE Systems, as well as for Commission staff which has been for quite some time suffering from significant staffing shortages and a glut of experimental filings from industry. Not only has such practice created an onerous burden with respect to the preparation and filing of repeated overlapping applications, but more importantly with respect to the time within which such applications can be processed. Such difficulties are enhanced by the fact that the military contracts which BAE Systems is responsible for implementing often have strict performance and delivery timetables – timetables which are becoming increasingly difficult to comply with even though BAE Systems' applications are submitted as early as possible.

Not being able to timely perform and deliver under military contracts and to quickly and flexibly initiate IR&D experiments in response to developing military needs with facilities that overlap with prior experimental grants substantially impacts not only BAE Systems from a commercial standpoint, but also the ability of the United States armed forces to directly and timely benefit from the development of critical communications systems and technologies. BAE Systems is a major producer of electronic warfare systems, protection systems, and tactical surveillance and intelligence systems for all branches of the armed forces. Its lines of business include Electronic Warfare/Electronic Protection, Electronic Warfare/Information Warfare, Integrated Defense Solutions, and Mission Electronics with products and services spanning the whole electromagnetic spectrum. The Government imposes rigorous validation and characterization requirements of complex systems, both in the development and production phases of their life cycles.

Thus, BAE Systems requires the critical capability to timely perform radiation measurements over broad frequency bandwidths and to validate hardware in system-level tests before the equipment can be deployed in the battlefield. The current piecemeal approach to experimental licensing of overlapping facilities, simply put, threatens to severely hinder the execution of critical military programs for which BAE Systems is responsible.

C. **The Clear and Significant Benefits of a Blanket License in this Case**

In the Streamlining Order, the Commission explained that:

"[W]e adopt the recommendations of commenting parties that we allow applicants to apply for a blanket experimental license for all related facilities.... We find that dispensing with the existing requirements for applying for additional authorizations in these circumstances will facilitate experimentation, increase administrative efficiency, and eliminate unnecessary regulatory burdens on ERS licensees."

Streamlining Order, ¶ 12.

Thus, blanket experimental licensing is appropriate where such approach facilitates experimentation, increases administrative efficiency, and eliminates unnecessary regulatory burdens on licensees. As explained below, grant of a blanket license in this case fulfills those requirements and is therefore entirely consistent with the Commission's intent in adopting this important concept.

i. **Grant of a Blanket License Will Significantly Increase Administrative Efficiencies for the Commission and Eliminate Unnecessary Regulatory Burdens on BAE Systems**

Because the Commission would not be required to separately process a formal application for each contract or IR&D program falling within the scope of the blanket license, grant of a blanket license to BAE Systems would – as described below - substantially increase administrative efficiencies for the Commission and eliminate unnecessary regulatory burdens on BAE Systems:

- Absent grant of a blanket license to BAE Systems for the facilities identified herein, BAE Systems will be required to continue to submit and prosecute numerous and repeated applications for experimental licenses and STA for facilities overlapping with prior grants, as well as for renewal of prior granted experimental licenses. In fact, the company has recently filed a number such overlap requests, and additional overlap requests will certainly be required. Grant of a blanket license, on the other hand, will significantly reduce the number of experimental filings submitted to the Commission by BAE Systems, thereby permitting the Commission to allocate its

limited resources to the processing of applications for facilities that have not yet been previously granted.²

- Grant of a blanket license will likely result in the withdrawal of a number of BAE Systems' pending applications. For example, BAE Systems currently has pending before the Commission several filings seeking Commission authorization to operate facilities falling within the scope of the requested blanket license that overlap with prior grants (See, e.g., File Nos. 0257-EX-ST-ST-2007; 0255-EX-ST-2007; and 0254-EX-ST-2007), as well as numerous applications for 2 year licenses for facilities falling within the scope of the requested blanket license (See, e.g., File Nos. 0014-EX-PL-2006, 0102-EX-PL-2006, 0147-EX-PL-2006, 0337-EX-PL-2006, 0359-EX-PL-2006, 0489-EX-PL-2006, 0493-EX-PL-2006, 0015-EX-PL-2006, 0475-EX-PL-2006, 0508-EX-PL-2006, 0508-EX-PL-2006, 0115-EX-PL-2007, 0227-EX-PL-2007, 0225-EX-PL-2007 and 0300-EX-PL-2007). BAE Systems also has pending before the Commission renewal applications for facilities falling within the scope of the requested blanket license (See, e.g., 0078-EX-RR-2007; 0079-EX-RR-2007). Grant of a blanket license consistent with the conditions proposed in this Application will likely allow BAE Systems to withdraw such pending applications from formal Commission processing, thereby helping to reduce the significant processing backlog at the Commission.
- Grant of a single blanket license consistent with the conditions proposed in this Application will likely eliminate the need for BAE Systems to request repeated renewals of multiple existing experimental licenses (See, e.g., WD2XVL, WD2XSE, WD2XJW, WD2XSG, WE2XAS).
- Grant of a blanket license will eliminate unnecessary processing delays associated with the consideration of

² BAE Systems has just identified yet another contract which requires transmission on certain facilities that were previously granted for the Litchfield Range. To avoid overburdening Commission staff with another filing, BAE Systems has temporarily withheld the submission such filing in the hope that the instant Application will be timely granted and the need for filing this new submission will be mooted. It is reasonable to expect that in the relatively near future numerous additional contracts will be awarded to BAE Systems with frequency requirements covered by prior grants.

applications which involve facilities that overlap with prior grants.³

ii. Grant of a Blanket License Will Assist the Timely Deployment of Critical Communications Systems to the Military

Grant of a blanket license in this case will streamline the deployment of advanced communications systems to the United States military. As explained above, the military contracts which BAE Systems is responsible for implementing often have strict performance and delivery timetables that are often tied to specific battlefield requirements. The Commission's current processing backlog – even for filings related to purely overlapping experimental requests – seriously threatens BAE Systems' ability to timely comply with such requirements, and therefore threatens the ability of the United States military to benefit from these important systems and technologies. If this blanket license is granted, the Commission would not be required to separately process a formal application for each military contract falling within the scope of the blanket license, thereby expediting deployment to the military customer.

iii. Grant of a Blanket License Will Not Harm Any Third Party Nor Increase the Potential for Interference

In addition to the benefits described above, no third party would be harmed by a grant of a blanket license in this case, nor will there be any increased risk of interference. The facilities identified in this blanket license Application have already been authorized to BAE Systems and operation under the blanket license is proposed in a manner consistent with the technical parameters previously authorized. In addition, these operations will be subject to the general limitations imposed upon all experimental operations, namely, that if any interference occurs, the offending operations will be subject to immediate shut down. Accordingly, no harm will occur as a result of a grant of a blanket license in this case.

³ In the event that BAE Systems requires authorization for transmissions not falling within the scope of the requested blanket license, BAE Systems will, of course, submit new experimental filings for such new transmission requirements.

3. Proposed Conditions for the Blanket License

BAE Systems has identified - in its previously-submitted experimental applications and related notifications - those contracts and programs currently associated with the facilities specified in the Application. BAE Systems respectfully submits that upon grant of the blanket license it should be permitted to continue to operate the blanket license facilities in support of (i) such previously-identified contracts; as well as in support of (ii) any internal research and development programs and activities at the New Hampshire Ranges, without any additional notification requirement. Notwithstanding this, BAE Systems understands that the grant of a blanket license should not provide for pure and unfettered continued use of experimental facilities outside the scope of Commission oversight, particularly for any newly-identified contracts. Accordingly, BAE Systems proposes that the following procedures and logistics be imposed on the requested blanket license, in addition to any other reasonable conditions the Commission may deem necessary:

- ***“Licensee is authorized to operate under this blanket license in support of those contracts previously identified by Licensee as associated with these facilities, as well as in support of internal research and development activities falling within the technical parameters of this blanket license. ”***
- ***“For any new contract or program identified after the date of grant of this blanket license, Licensee is required to notify the Commission of the specific details of each individual experiment, including (i) government contract number, customer and point of contact and telephone number; (ii) location, number of base and mobile units, power, emission designator, and any other pertinent technical information. No operation shall take place until the Commission has received the required notification. This notification should be uploaded electronically via the OET Experimental Licensing Branch's Electronic Filing Web Site. Classified information may be submitted through the Commission's Security office utilizing applicable classified procedures.”⁴***
- ***“Licensee may rely on previously completed frequency coordination obtained for operation of the facilities specified in this blanket license. Licensee must comply with any restrictions identified in such completed frequency coordination.”***

Such proposed procedures and logistics are consistent with the Streamlining Order, as well as prior Commission precedent.⁵

For the foregoing reasons, BAE Systems respectfully requests Commission grant of a blanket license for the facilities specified in this Application.

⁴ If the Commission desires, BAE Systems would be willing to submit a courtesy copy of any such notification to NTIA.

⁵ See Motorola, Inc., Station WB2XCJ (grant of blanket license).