

Arent Fox

August 3, 2007

Mr. Julius Knapp
Mr. Ira Keltz
Mr. James Burtle
Federal Communications Commission
445-12th Street, S.W.
Washington, DC 20554

Jeffrey E. Rummel
2021715-8479
rummeli@arentfox.com

Alan G. Fishel
202/857-6450
fishela@arentfox.com

Re: BAE Systems Information and Electronic Systems Integration Inc.
Application for Blanket License under 47 C.F.R. §5.75
File No. 0293-EX-PL-2007

BAE Systems Information and Electronic Systems Integration Inc.
Application Combining Four Separate Requests for STA
File No. 0305-EX-ST-2007

Messrs. Knapp, Keltz and Burtle:

Thank you very much for taking the time to meet with us on Wednesday to discuss the above-referenced applications and related experimental licensing issues. We greatly appreciated all of your comments and suggestions made during the meeting. 'Also, during the meeting, you requested that we provide you with a summary of the specific items that we are seeking to resolve promptly, and the summary of those items is attached hereto.

As we discussed, prompt resolution of these issues will, consistent with Commission policy and precedent, significantly increase administrative efficiencies for the Commission, eliminate unnecessary regulatory burden on BAE Systems, assist the timely deployment of critical systems to the United States military, and will not harm any third party nor increase the potential for interference.

We greatly appreciate your assistance with regard to these matters. If you have any questions, please feel free to give either one of us a call.

Sincerely,



Jeffrey E. Rummel

Alan G. Fishel

Attorneys for BAE Systems Information and Electronic Systems Integration Inc.

cc: Anthony Serafini, FCC

I. Processing of Pending Blanket License Application

During our meeting, you indicated that it may very well be possible to forward the pending blanket license application (File No. 0293-EX-PL-2007) ("Application") to NTIA for coordination within the next week. We would greatly appreciate it if that could be done.

Not only will the prompt processing of the Application help ensure the timely performance of BAE Systems' contractual and **IR&D-related** commitments, and assist the timely deployment of critical systems to the United States military, it will also provide significant benefits to the Commission:

Specifically, grant of a blanket license containing the parameters and proposed conditions set forth in the Application will, absent any unforeseen circumstances, result in the following administrative efficiencies for the Commission, thereby helping to reduce the processing backlog:

- The withdrawal of several "overlap" filings seeking Commission authorization to operate facilities falling within the scope of the requested blanket license.¹
- The withdrawal of numerous applications for 2 year licenses for facilities falling within the scope of the requested blanket license.²
- The withdrawal of renewal applications for facilities falling within the scope of the requested blanket license.³
- Eliminating the need for BAE Systems to request repeated renewals of multiple existing experimental licenses falling within the scope of the requested blanket license, **and/or** the cancellation of such licenses.⁴
- Eliminating the need for BAE Systems to continually submit new STA requests and 2 year applications for facilities "overlapping" with the parameters in the blanket license.

Request:

In light of the above, we respectfully request that the Commission, if possible, transmit the blanket license Application (File No. 0293-EX-PL-2007) to NTIA and to any relevant Commission Bureaus, for coordination within the next week, and that the Application be granted as soon as possible after completion of such coordination. We also would greatly appreciate it if staff would **advise** us of when the Application has been transmitted to NTIA and Commission Bureaus for coordination.

¹ See, e.g., File Nos. 0257-EX-ST-ST-2007; 0255-EX-ST-2007; 0254-EX-ST-2007; 0390-EX-ST-2007.

² 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, 0115-EX-PL-2007, 0227-EX-PL-2007, 0225-EX-PL-2007 and 0300-EX-PL-2007.

³ See, e.g., 0078-EX-RR-2007; 0079-EX-RR-2007.

⁴ See, e.g., WD2XVL, WD2XSE, WD2XJW, WD2XSG, WE2XAS, WD2XUQ.

II. Processing of Pending "Overlap" STA Requests

As we discussed, BAE Systems has filed four (4) STA Requests seeking authorization for new contract or **IR&D-related** transmission requirements which "overlap" with prior experimental grants ("STA Overlap Requests").

The parameters identified in these overlap filings have already been coordinated by NTIA (and where appropriate Commission Bureaus) and authorized by the Commission in prior grants. As we discussed, it therefore makes perfect sense to remove such overlap requests **from** the existing backlogged processing queue for "non-overlap" experimental filings. By doing so, the timely performance of BAE Systems' contractual and **IR&D-related** commitments can be ensured, and the Experimental Branch staff will not be unnecessarily burdened.

Request:

In light of the above, we **respectfully** request that in the very near future the Commission transmit to NTIA and relevant Commission Bureaus the 4 pending STA Overlap Requests listed below, and that such STA Overlaps be granted as soon as possible after completion of such coordination. We also would greatly appreciate it if staff would advise us when these STA Overlap Requests have been transmitted to NTIA and Commission Bureaus for coordination:

File No. 0254-EX-ST-2007
File No. 0257-EX-ST-2007
File No. 0255-EX-ST-2007
File No. 0390-EX-ST-2007

III. Confirmation of Streamlined Procedures for Handling Future Overlaps

While the blanket license Application is being processed, BAE Systems will likely identify new contractual or **IR&D-related** transmission requirements which "overlap" with prior grants. In fact, a new "overlap" requirement has just been identified for **IR&D** activities that will involve facilities contained in a prior grant.

To date, BAE Systems has been requested by staff to submit new formal experimental applications for such "overlap" transmissions, even where the only difference is that there is a new contract or **IR&D** requirement. As a result, these formal "overlap" applications are being subjected to the normal backlogged processing queue for non-overlap experimental filings, which significantly threatens the ability of BAE Systems to timely comply with quick response requests **from** government entities, contractual and **IR&D** requirements.

During our meeting, there appeared to be consensus that any future "overlap" transmission requirements identified while the blanket license Application is being processed be handled under substantially streamlined procedures. We discussed the possibility of handling such overlap situations through a notification procedure.

Reuuest:

In light of the above, we respectfully request that in the very near future the Commission identify streamlined procedures for the **handling** of "overlap" transmission requirements.

IV. ii I Requests d Status Inquiries

As we discussed, in order to ensure that the filing of expedite requests, and the submission of status inquiries, is kept to a minimum, it is critical that BAE Systems have a way of tracking the following important items of information:

- (i) the approximate location of its pending filings in the queue; and
- (ii) the estimated time it will take for pending applications to be transmitted to NTIA and relevant Commission Bureaus for coordination.

We proposed that BAE Systems be permitted to submit as necessary a request for the above information, as it relates to BAE Systems' pending experimental applications.⁵

Request:

In light of the above, we respectfully request that in the very near future the Commission confirm that BAE Systems may submit as necessary (*i.e.*, every two weeks) a status request seeking the following information for its pending experimental applications:

- (i) the approximate location of its pending filings in the queue; and
- (ii) the estimated time it will take for pending applications to be transmitted to NTIA and relevant Commission Bureaus for coordination.

⁵ For example, the current “**non-overlap**” STA Requests of BAE Systems are: 0029-EX-ST-2007; 0085-EX-ST-2007; 0200-EX-ST-2007; 0305-EX-ST-2007; **and** 0359-EX-ST-2007. At this time, BAE Systems has no information regarding either (i) the approximate location of these pending filings in the queue; and (ii) the estimated time it will take for pending applications to be transmitted to NTIA and relevant Commission Bureaus for coordination.

V. Additional Withdrawal of Pending: Applications

In response to Mr. **Burtle's** suggestion to combine applications, BAE Systems filed - on July 3, 2007 – a "combined" STA Request (File No. 0305-EX-ST-2007) which represents the combination of the following four separate STA Requests of BAE Systems:

- Pending File No. 0200-EX-ST-2007 (filed 4/12/2007) (Merrimack, NH)
- Pending File No. 0085-EX-ST-2007 (filed 2/06/2007) (Merrimack, NH)
- New STA Requirements (Litchfield, NH)
- Pending File No. 0029-EX-ST-2007 (filed 2/02/2007) (Hudson, NH)

The combination of the above applications into a single application is intended to assist the Commission by conserving the Commission's limited resources.

If the Commission agrees to process this single application in the near future and transmit it to NTIA and relevant Commission Bureaus for coordination, BAE Systems will be in a position to promptly withdraw the separate pending applications previously filed, thereby reducing burden on the staff

Request:

In light of the above, we respectfully request that in the very near future the Commission process the single "combined" application (File No. 0305-EX-ST-2007) and transmit it to NTIA and relevant Commission Bureaus for coordination, so that BAE Systems can promptly withdraw the separate pending applications, thereby reducing burden on staff