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From: Rummel, Jeffrey [Rummel.Jeffrey@ARENTFOX.COM]
Sent: Thursday, September 08, 2005 1:50 PM
To: Kathryn Hosford
Cc: Valentino, Pasquale A (US SSA); Anthony White
Subject: BAE Systems: AN/APY-8 Experimental Request



Responses to FAA BAE Systems - AN/ APY.pdf (272 KB) JSC-CR-05-029
Questions re: APY-8 Experim... Final.pdf (664 K...

Dear Ms. Hosford:

Thank you for your continued attention to the proposed test flights involving the AN/APY-8 in its high resolution format (i.e., utilizing the full 15.4-17.7 GHz band). We greatly appreciate your obtaining the assistance of Mr. Woods to work with FAA on this issue, especially in light of the important other priorities your offices are currently addressing. We are hopeful that the matter can indeed be resolved, and FCC grant issued, no later than early next week, due to the scheduled transport of the system as we previously discussed.

To assist in expediting processing of an experimental grant in the event that Mr. Woods' discussions with Mr. Nellis are fruitful, BAE Systems wishes to confirm that it is agreeable to a very restrictive experimental grant for operation of the AN/APY-8 in its high resolution format (i.e., utilizing the full 15.4-17.7 GHz band) that expressly confirms and/or requires the following:

- Confirmation that operation of the system in its high resolution format (i.e., utilizing the full 15.4-17.7 GHz band) is subject to the "one-time" flight plans that have been previously identified and any future proposals for operation of the system in its high resolution format (i.e., utilizing the full 15.4-17.7 GHz band) after this one-time testing in such high resolution format, will be subject to the following requirement: that such proposal(s) will be presented to the SPS by the Air Force, will be licensed through the government-spectrum assignment process under military sponsorship, and will not be presented in the form of an application submitted to the FCC by BAE Systems.

- Operation of the system to be in strict accordance with the conditions specified in the DOD report (copy attached) in order to ensure non-interference to applicable ASDE-3 radar systems.

- All flight plans and frequency use to be pre-coordinated with the DoD Gulf Area Frequency Coordinator, Eglin Range Spectrum Manager at Eglin AFB.

- The technical parameters of the proposed tests to be in full accordance with the following: (i) the application originally submitted to the FCC under File No. 0121-EX-PL-2005 (copy attached); (ii) the additional technical information provided to FCC, FAA and NTIA (see e-mails attached to NTIA's Stephen Butcher and FAA's Tim Pawlowitz).

Finally, as you know, the above issues we have been dealing with all these months have related to the proposal to operate the system in its high resolution format (i.e., utilizing the full 15.4-17.7 GHz band). BAE Systems had previously been advised that there were no problems providing an experimental grant for operation on the systems' regular, low resolution band (i.e., the 16.2-17.3 GHz band). Accordingly, BAE Systems has asked me to clarify with you its understanding that there is no FCC objection to BAE Systems proposing to operate - at some point in the future - the system in its low resolution format (i.e., solely within the acceptable 16.2-17.3 GHz band), pursuant to a normal FCC experimental license, as a separate matter from these more difficult issues relating to the high-resolution format. If this understanding is not correct, a

clarification on this issue would be appreciated.

Thank you again for your assistance.

Jeffrey Rummel
Attorney for BAE Systems

<<Responses to FAA Questions re: AN/APY-8 Experimental Request>> <<BAE Systems - AN/APY-8 Experimental Request>>
<<APY.pdf>> <<JSC-CR-05-029 Final.pdf>>

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