

December 21, 2006

VIA HAND DELIVERY AND ELECTRONIC FILING

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Mr. Jim Burtle
Chief, Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

DEC 21 2006

**Federal Communications Commission
Bureau / Office**

Re: The Boeing Company, Progress Report, Experimental Radio Construction Permit and License, Call Sign WC2XVE, File No. 0153-EX-RR-2005.

Dear Mr. Burtle:

On behalf of The Boeing Company ("Boeing"), attached please find a copy of the progress report for the experimental radio construction permit and license Call Sign WC2XVE, File No. 0153-EX-RR-2005. The progress report describes the operations Boeing has conducted under its experimental authority and is required under Special Condition 8 of the authorization.

A copy of this progress report is being filed through the FCC's electronic filing system for experimental licensing in connection with renewal of the above-captioned authorization and via hand delivery. Uncertainty with respect to the ongoing need for this authorization resulted in filing of this report by several weeks beyond the time frame set forth in Special Condition 8. Accordingly, to the extent necessary, Boeing respectfully requests a limited waiver of this provision to associate this report with Boeing's existing experimental authorization.

Generally, a waiver can be granted where good cause is shown.^{1/} In particular, a waiver is appropriate if (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation would better serve the public interest than would strict adherence to the general rule.^{2/} The Commission may grant a waiver of its rules in a particular case if the relief requested would not undermine the policy objective of the rule in question, and would otherwise serve the public

^{1/} 47 C.F.R. § 1.3. See also *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969) ("*WAIT Radio*"); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

^{2/} See *Northeast Cellular*, 897 F.2d at 1166. Circumstances that would justify a waiver include "considerations of hardship, equity, or more effective implementation of overall policy." *WAIT Radio*, 418 F.2d at 1159. See also *Onsat Petition for Waiver to Permit Routine Licensing of 3.7 Meter Transmit and Receive Stations at C-Band*, *Order*, 15 FCC Rcd 24488, 24490 ¶ 5 (2000).

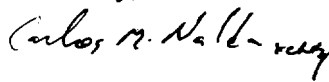
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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interest.^{3/} In this case, there has been uncertainty with respect to the appropriate regulatory approach to authorize Boeing's ongoing service to U.S. Government users, and there is no prejudice associated with the minor delay in filing the progress report. Furthermore, accepting the progress report will serve the public interest by ensuring that critical communications services remain available to the U.S. Government pursuant to Commission authority.

Please contact the undersigned with any questions regarding this submission.

Sincerely,

A handwritten signature in dark ink, appearing to read "Carlos M. Nalda".

Carlos M. Nalda
Counsel to The Boeing Company

Attachment

^{3/} See *WAIT Radio*, 418 F.2d at 1157 ("an agency may discharge its responsibilities by promulgating rules of general application which, in the overall perspective, establish the 'public interest' for a broad range of situations, [however, this] does not relieve it of an obligation to seek out the 'public interest' in particular, individualized cases.").

EXPERIMENTAL PROGRESS REPORT

December 21, 2006

The Boeing Company ("Boeing"), pursuant to Special Condition 8 of experimental license Call Sign WC2XVE, File No. 0153-EX-RR-2005, hereby files this Experimental Progress Report to describe the operations of its Aeronautical Mobile-Satellite Service ("AMSS") system conducted under experimental authority.

FCC Licensing Status

Experimental license Call Sign WC2XVE authorizes Boeing to test and demonstrate aircraft earth station ("AES") antennas -- including the Block 1 phased-array AES, the reflector AES (the Next Generation Antenna or "NGA") and the eXchange (small business jet) AES -- at Boeing's Systems Integration Facility ("SIF") in Kent, Washington, as well as throughout the continental United States, Alaska, Hawaii and in international airspace. In addition, the experimental license authorizes Boeing to conduct limited market studies and provide service to the U.S. Government under government contract (File No. 0032-EX-ML-2002). Boeing is also authorized to conduct limited land mobile operations pursuant to this authority (File No. 0038-EX-ML-2003).

Boeing is authorized by the Commission to operate its Block 1, NGA and eXchange AESs on a commercial basis throughout the United States.¹ Because domestic testing and operation of these antennas are conducted under regular commercial authority, this Experimental Progress Report focuses on AES operations outside the United States and its territorial waters. In addition, Boeing previously provided an Experimental Progress Report under Special Condition 8 of experimental license Call Sign WC2XVE on May 16, 2006. Accordingly, this Experimental Progress Report focuses on testing and operations since that date.

Operations Under Experimental Authority

Boeing has a contract with the U.S. Air Force Materiel Command ("AFMC"), Contract No. F33657-01-D-0013, to provide, among other things, broadband communications to U.S. Government aircraft. Pursuant to this contract, Boeing has provisioned Block 1 antennas on thirteen VIP/SAM (Very Important Personnel/Special Air Mission) aircraft operated by the U.S. Air Force Air Mobility Command to transport senior leadership of the U.S. Government and the Department of Defense. The U.S. government aircraft to which Boeing provides Connexion service regularly travel outside the United States, and thus operate under experimental license Call Sign WC2XVE.

¹ See The Boeing Company, File No. SES-MFS-20050701-00853 Call Sign E000723 (granted December 20, 2005); The Boeing Company File No. SES-MOD-20030512-00639, Call Sign E000723 (granted November 14, 2003); The Boeing Company, File No. SES-MOD-20020308-00429, Call Sign E000723 (granted September 26, 2002); The Boeing Company, *Order and Authorization*, 16 FCC Rcd 22645 (2001).