



PUBLIC NOTICE

Federal Communications Commission
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DA 11-206

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST OF EMS TECHNOLOGIES CANADA, LTD. FOR WAIVER OF PART 87 EMISSION MASK TO ALLOW CERTIFICATION AND USE OF AERONAUTICAL MOBILE SATELLITE SERVICE TRANSCEIVER

WT Docket No. 11-19

Comment Date: March 7, 2011

Reply Date: March 22, 2011

On June 2, 2010, EMS Technologies Canada, Ltd. (EMS) filed a request for waiver of Section 87.139(i)(1) of the Commission's Rules¹ to permit equipment certification and use of its next generation aeronautical-mobile satellite service (AMSS) HSD-MK2 transceiver.² The HSD-MK2 transceiver supports the Inmarsat Classic, Swift64 and SwiftBroadband aircraft communications services, and is intended to be used on aircraft to provide high-speed Internet, voice and video conferencing capabilities in the aircraft's cockpit, in the cabin and at the gate. EMS requests a 9.5 dB adjustment to the emission mask set forth in Section 87.139(i)(1), for all of the frequencies listed in Section 87.139(i)(1) except 1610.6-1613.8 MHz and 1660-1670 MHz.

Section 87.139(i)(1) provides the required attenuation for a modulated carrier relative to the maximum emission envelope level for equipment operating in the Aviation Radio Service. On April 29, 2010, the Wireless Telecommunications Bureau (Bureau) granted EMS a waiver of certain Part 87 rules to permit certification of several AMSS transceivers, including the HSD-MK2. As part of that action, the Bureau waived Section 87.139(i)(1), note 2 to permitted EMS an absolute offset of +/- 504 kHz instead of a +/- 35 kHz offset. Subsequently, on June 2, 2010, EMS requested one additional waiver for the HSD-MK2. EMS states that because of the larger bandwidth granted by the Bureau, the HSD-MK2's total power is more widely distributed, necessitating a 9.5 dB relaxation of the spurious and noise output levels specified in Section 87.139(i)(1). EMS argues that the emission envelope is at a lower absolute level for an equivalent total carrier power, and that the 9.5 dB relaxation would provide the same effective protection levels as is currently specified in the rule. EMS seeks the waiver to permit certification and use of its transceiver, which it states meets Inmarsat technical requirements; applicable ARINC Characteristics 429, 739, 600, 741 and 781; RTCA/DO-210 "The Satcom Minimum Operational Performance Standards;" and will be certified pursuant to the Federal Aviation Administration Type Certification, Supplemental Type Certification, and/or Technical Standard Order Certification. EMS believes that granting the waiver will

¹ 47 C.F.R. § 87.139(i)(1).

² See Letter dated June 2, 2010 from Bruce A. Olcott to James Shaffer, Mobility Division, Wireless Telecommunications Bureau. On November 29, 2010, EMS clarified its request. See Letter dated Nov. 29, 2010 from Bruce A. Olcott to James Shaffer, Mobility Division, Wireless Telecommunications Bureau.

provide the same level of protection as the existing emission mask, and therefore not cause harmful interference to other service and is in the public interest.

Procedural Matters

Comments on the request are due **no later than March 7, 2011**. Reply comments are due **no later than March 22, 2011**. All filings should reference the docket number of this proceeding, WT 11-19.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.³ Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation’s substance and not merely list the subjects discussed.⁴ More than a one- or two-sentence description of the views and arguments presented is generally required.⁵

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission, as follows:

-All hand-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission’s Secretary will be accepted. The Commission’s former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

³ *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

⁴ *See* Commission Emphasizes the Public’s Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁵ *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in Section 1.1206(b). *See* 47 C.F.R. § 1.1206(b).

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The request, and comments and reply comments filed in response to this *Public Notice*, will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 11-19. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

For further information, contact Mr. Jim Shaffer of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0687, james.shaffer@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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