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October 18, 1991

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DOMESTIC FACILITIES DIVISION
SATELLITE RADIO BRANCH

Mr. James R. Keegan
Chief, Domestic Facilities Division
Common Carrier Bureau
Federal Communications Commission
2025 M Street, N.W., Room 6010
Washington, D.C. 20554

Re: Request for Special Temporary Authority
File No. 420-DSE-P/L-90

Dear Mr. Keegan:

Aeronautical Radio, Inc. ("ARINC"), hereby submits its comments on the above-captioned request for Special Temporary Authority ("STA") filed by the AMSC Subsidiary Corporation, which seeks authority "to operate up to 750 mobile earth stations in the bands 1530-1544 MHz/1626.5-1645.5 MHz" for an indefinite period "pending a decision on AMSC's underlying application."¹

As the FCC is aware, ARINC has been providing aeronautical mobile satellite service to airlines and the Federal Aviation Administration ("FAA") for safety communications for more than a year. Overseas, Societe Internationale de Telecommunications Aeronautique ("SITA") has also begun service to several non-United States airlines. These safety services are being provided over INMARSAT space segment and must be protected from harmful interference. AMSC has not demonstrated that this will be the case if its STA Request is granted.

AMSC attempts to gloss over such concerns by stating that its proposed mobile earth terminals have been accepted by INMARSAT. But, INMARSAT approval does not allay fears that 750 non-type-accepted terminals may interfere with these existing aeronautical safety services. AMSC's terminals will

¹ See Request for Special Temporary Authority filed October 9, 1991, at 1 (hereinafter "STA Request").

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be operating in the global beams of INMARSAT's POR, AOR-East, and AOR-West satellites. AMSC must now demonstrate, as it has been unwilling or unable to demonstrate for the past four years, how it will establish and maintain effective control over the use and maintenance of these terminals to be absolutely certain that the land mobile units do not interfere with aeronautical safety communications. Until this is done, 750 terminals are simply too great a risk.

Indeed, AMSC acknowledged in its STA Request that ARINC and the Air Transport Association of America ("ATA") previously had raised concerns about AMSC's original 1989 application for 30,000 mobile earth stations.² ARINC and ATA there explained that any such AMSC license must be conditioned to protect aviation safety service operations, just as the Commission had conditioned the comparable authorization granted ARINC, Northwest Airlines, and United Airlines.³ In that authorization, the FCC imposed three conditions for approving the deployment of L-Band aeronautical satellite stations:

1. The equipment to which the type acceptance waivers apply must meet all technical standards promulgated in future Commission actions including Docket 90-315.⁴
2. The waiver of type acceptance was limited to no more than 26 total aircraft installations for Northwest Airlines and no more than 18 for United Airlines; and

² STA Request at 2-3. See Supplemental Comments of Aeronautical Radio, Inc., and the Air Transport Association of America, File Nos. 420-DSE-P/L-90, et al., filed June 8, 1990.

³ See ARINC, Northwest Airlines, Inc., and United Airlines, Inc., DA-90-691 (May 9, 1990).

⁴ See Type Acceptance of Aircraft Earth Stations, 5 FCC Rcd 3933 (1990).

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3. Operators of the equipment must give notice identifying with particularity each equipped aircraft to the FCC.⁵

Conditions 1 and 3 should also be applied to AMSC and, by analogy with condition 2, the number of terminals should be limited to the smallest number needed during the period of the STA.

Moreover, the FCC cannot treat AMSC differently from other applicants for similar relief. ARINC therefore urges the Commission to act promptly and favorably on ARINC and ATA's request for waiver of the mobile satellite service rules to permit (1) the use of INMARSAT facilities domestically via Comsat until there is a domestic mobile satellite, (2) the use of the international satellite for the domestic legs of international flights, and (3) the use of the international satellite as back up to the domestic system.⁶ ARINC's waiver request has been pending at the agency for two years and a decision is long overdue.

Grant of the ARINC/ATA waiver would not undermine the Commission's mobile satellite service policies in any way. Rather, it would further those policies by permitting the prompt introduction of aeronautical mobile satellite services in the domestic market and by promoting the safety of international air travel by not requiring any handoff of traffic between international and domestic satellite systems during the course of international flights. It would also assist in the avoidance of a balkanization of the international aviation satellite air traffic control by undermining those foreign nations seeking protected markets for their own domestic satellite systems.

Finally, ARINC has already noted the existence of serious questions regarding AMSC's fitness to be a Commission licensee in the mobile satellite service.⁷ At least so long as the MSS via INMARSAT market in the U.S. remains non-competitive by Commission fiat, the agency must condition the

⁵ Id., ¶ 12.

⁶ ARINC/ATA Request for Waiver (filed Nov. 7, 1989).

⁷ See Comments of ARINC/ATA, Gen. Docket 84-1234 (filed Sept. 4, 1991).

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grant of any authority herein on the outcome of parallel proceedings in Docket 84-1234 and the associated licensing files. For this reason as well, any STA granted must be limited in duration and narrowly tailored.⁸

For the foregoing reasons, ARINC requests that the AMSC STA Request be conditioned as described above to protect aviation safety services and that ARINC and ATA's request for waiver of the FCC's mobile satellite service rules be granted concurrently with grant of AMSC's request.

Respectfully submitted,



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JLB/nab

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⁸ See 47 U.S.C. § 309(f) (specifying a maximum of 180 days).