

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )

AERONAUTICAL RADIO INC. )

Application for Blanket Authority to Operate )  
Aboard Aircraft Up To 1000 Technically- )  
Identical Transmit and Receive Mobile Earth )  
Stations in the 11.7-12.2 and 14.0-14.5 GHz )  
Frequency Bands )

File No. SES-LIC-20030910-01261,  
Call Sign E030205

To: The Commission

Int'l Bureau

DEC 22 2003

Front Office

**THE BOEING COMPANY'S MOTION  
FOR LEAVE TO FILE FURTHER COMMENTS**

The Boeing Company ("Boeing"), by its attorneys and pursuant to § 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, hereby requests leave to file further comments addressing the Response of Aeronautical Radio Inc. ("ARINC") in the above-captioned application proceeding.<sup>1</sup> These further comments address significant new information regarding the technical aspects of the SKYLink proposal submitted in the ARINC Response. The further comments are, therefore, necessary to afford Boeing an opportunity to address technical information that was not provided with the original SKYLink application and thus not previously available in the record for comment, and to facilitate creation of a more complete record in this proceeding.

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<sup>1</sup> See Response of ARINC Incorporated, File No. SES-LIC-20030910-01261 (filed November 28, 2003) ("*ARINC Response*").

The application at issue in this proceeding was filed by ARINC on September 2, 2003.<sup>2</sup> In accordance with Section 25.154(a) of the Commission's Rules, 47 C.F.R. § 25.154(a), Boeing submitted comments concerning the application.<sup>3</sup> Boeing's comments raised a number of questions regarding the technical aspects of the proposed network. Specifically, Boeing demonstrated that the application provided inadequate information concerning the proposed SKYLink Ku-band aeronautical mobile-satellite service ("AMSS") system's compliance with applicable International Telecommunication Union ("ITU") recommendations and Commission requirements, and its ability to fully protect other co-frequency users of the spectrum.

ARINC filed a Response along with a new Technical Exhibit containing information and technical data not submitted with ARINC's application. Some of this new material addresses critical issues raised in this proceeding -- whether SKYLink complies with applicable AMSS design requirements and adequately protects co-frequency users of the Ku-band. Given Boeing's direct and substantial interest in this proceeding as a licensed AMSS system operator and a user of Ku-band FSS satellite capacity, the Commission should afford Boeing an opportunity to comment on the ARINC Response. Thus, Boeing hereby requests that the accompanying Further Comments be included in the record of the ARINC AMSS application proceeding.<sup>4</sup>

Finally, Boeing notes that given the complex technical and policy issues associated with the ARINC AMSS application, and the potential impact that this proceeding may have on the

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<sup>2</sup> See Aeronautical Radio Inc., Application for Blanket Authority to Operate Aboard Aircraft Up To 1000 Technically-Identical Transmit and Receive Mobile Earth Stations in the 11.7-12.2 and 14.0-14.5 GHz Frequency Bands, File No. SES-LIC-20030910-01261, Call Sign E030205 (Sept. 2, 2003) ("*ARINC Application*").

<sup>3</sup> See Comments of The Boeing Company, File No. SES-LIC-20030910-01261 (filed Nov. 14, 2003) ("*Boeing Comments*").

<sup>4</sup> Boeing hereby requests any waivers of the Commission's rules that may be necessary to associate its further comments with the record of this proceeding.

Commission's impending AMSS service rules proceeding (RM-10800), Boeing has requested that this application proceeding be designated as "permit-but-disclose" for ex parte purposes. Neither ARINC nor any other interested party has opposed this request. Thus, grant of this motion and accepting Boeing's further comments will not prejudice any interested party.

In sum, because ARINC submitted new information and technical data in its Response that address some of the key issues in this proceeding, Boeing and other interested parties have not been afforded an opportunity to comment on this material. Boeing therefore respectfully requests that the Commission grant it leave to file the accompanying further comments to ARINC's Response, and that the Commission take these further comments into account as it considers ARINC's AMSS application.

Respectfully submitted,

THE BOEING COMPANY

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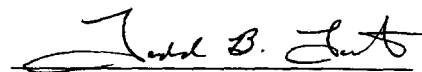
December 18, 2003

**CERTIFICATE OF SERVICE**

I, Todd B. Lantor, hereby certify that a true and correct copy of the foregoing  
Further Comments of the Boeing Company filed on behalf of The Boeing Company was sent via  
U.S. mail, postage prepaid, this 18<sup>th</sup> day of December 2003, to the following:

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