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

In the Matter of:	)	
	)	
Expanding Access to Mobile Wireless Services	)	WT Docket No. 13-301
Onboard Aircraft	)	

JOINT REPLY COMMENTS OF
THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION,
THE INFORMATION TECHNOLOGY INDUSTRY COUNCIL AND
THE CONSUMER ELECTRONICS ASSOCIATION

The Telecommunications Industry Association ("TIA"), the Information Technology Industry Council ("ITI") and the Consumer Electronics Association ("CEA") respectfully submit these reply comments in response to the Federal Communications Commission's ("FCC" or "Commission") Notice of Proposed Rulemaking ("*NPRM*") to expand access to mobile wireless services onboard aircraft.[1] TIA, ITI and CEA support the Commission's proposal to remove outdated regulatory barriers for access to in-flight mobile connectivity and stand ready to assist the Commission as it seeks to increase competition and innovation in this burgeoning market.

I. Introduction

As three of the leading trade associations for information and communications technology ("ICT") manufacturer, vendor, and supplier community, TIA[2], ITI[3] and CEA[4]

[1] *See* In the Matter of Expanding Access to Mobile Wireless Services Onboard Aircraft, *Notice of Proposed Rulemaking*, FCC 13-157, WT Docket No. 13-301 (rel. Dec. 13, 2013) ("*NPRM*").

[2] TIA members manufacture in-flight mobile connectivity ("IMC") systems, as well as Wi-Fi, 3G, 4G, intentional transmitters (small cell), non-radio products such as routers and switches, and many other ICT products.

[3] ITI represents the nation's leading information technology companies, including computer hardware and software, Internet services, and wireline and wireless networking companies. ITI is the voice of the high tech community, advocating policies that advance U.S. leadership in technology and innovation, open access to new and emerging markets, support e-commerce

support the Commission's efforts to review and reform its rules related to mobile communications on aircraft.

The comments in this proceeding make clear that there is widespread support for the Commission's proposal to re-examine its regulations regarding in-flight mobile communications. A variety of stakeholders, including IMC providers, off-board communications link providers, airlines and aircraft manufacturers, and industry associations, are generally supportive of enabling IMC in the United States.

The Commission's proposals have the potential to make available IMC offerings, including data, text, and even voice connectivity, to consumers aboard airborne aircraft. In its initial comments, TIA argued that expanding access to IMC serves the public interest by creating an environment in which airlines are allowed to offer up-to-date, market-based services to their customers.[5] TIA also argued that increasing in-flight connectivity options, revising outdated regulations, and promoting international harmonization would provide substantial benefits to U.S. consumers.

---

expansion, protect consumer choice, and enhance global competition – including in the growing in-flight connectivity marketplace.

[4] CEA is the principal U.S. trade association of the consumer electronics and information technologies industries. CEA's more than 2,000 member companies lead the consumer electronics industry in the development, manufacturing and distribution of audio, video, mobile electronics, communications, information technology, multimedia, and accessory products, as well as related services, that are sold through consumer channels. Ranging from giant multi-national corporations to specialty niche companies, CEA members cumulatively generate more than $208 billion in annual factory sales and employ tens of thousands of people in the United States. Recently, CEA, in partnership with industry stakeholders, successfully led the effort to allow gate-to-gate use of portable electronic devices. Diversifying consumers' connectivity options in-flight is a natural extension of those efforts.

[5] Telecommunications Industry Association Comments at 3.

ITI and CEA agree fully with these propositions and the record in this proceeding shows that allow IMC in the United States would serve the public interest by meeting consumer demand for in-flight mobile broadband access, and increasing competition and innovation in the in-flight connectivity marketplace. However, in order to bring the benefits of IMC applications to U.S. consumers at the earliest practicable time, TIA, ITI and CEA believe that the Commission should adopt existing standards to enable IMC operations on flights to and from the United States and afford industry additional time to further additional technical and regulatory work for U.S. domestic IMC operations.

II. The Record Demonstrates That Near-Term Introduction of IMC in the United States Would Result in Substantial Public Benefits

Most commenting parties agree that expanding IMC options would promote the public interest by meeting growing consumer demand for mobile broadband communications, eliminating outdated rules that stifle the ICT market, and harmonizing domestic regulations for IMC systems with internationally-accepted standards. The comments also support the near-term introduction of IMC as a way to meet consumer demand and expand consumer access to in-flight mobile applications. Commenting parties noted that authorizing IMC on foreign airlines has increased passenger satisfaction because consumers have multiple in-flight connectivity options, and that enabling IMC would allow tens of millions of consumers to use their mobile devices to remain connected to family, friends, and colleagues during long-haul international flights.

Several commenting parties also agree that the introduction of IMC will benefit the public by encouraging innovation and competition in in-flight connectivity. The Alliance for Passenger Connectivity noted that the introduction of IMC has increased competition in connectivity offerings on foreign airlines as IMC serves as an alternative to existing Wi-Fi

solutions.[6] Commission authorization of IMC would facilitate the competitive development of in-flight connectivity offerings.

TIA, ITI and CEA support the position of several commenting parties who argue that the Commission does not need to address specific IMC applications, including voice calls, in this proceeding. As the Commission recognized in the *NPRM*, the public interest is served by crafting a regulatory regime that allows airlines to make individual decisions regarding which IMC offerings should be made available. In this proceeding, the Commission should act to facilitate extending the reach of mobile broadband to the aircraft for the benefit of U.S. consumers while the U.S. Department of Transportation ("DoT") addresses operational and other concerns related to the potential availability of in-flight voice service.

III. The FCC Should Facilitate Near-Term Public Benefit by Permitting IMC on International Flights

The record in this proceeding suggests that the most efficient way for the Commission to facilitate the benefits of IMC is to authorize existing Airborne Access System ("AAS") operations on international flights to and from the United States. As the Commission recognizes in the *NPRM*, AASs currently operate on foreign airlines regulated by countries that have adopted technical standards for IMC.[7] Several commenting parties agree that the Commission should enable existing AASs to operate on international flights while IMC providers, wireless carriers, and the FCC work together to develop technical standards and regulatory requirements for domestic flights that take into consideration U.S. spectrum allocations.

AASs operate on a non-interference basis according to international standards established by the Electronic Communications Committee ("ECC") of the European Union ("EU")

[6] *See* Alliance for Passenger Connectivity Comments at 2.

[7] *See NPRM* at ¶ 3.

Conference of Postal and Telecommunications Administration ("CEPT"). These standards have been adopted by countries around the world and, as a result, AASs operate in the airspace of countries with a variety of band plans. As the Commission notes in the *NPRM*, AASs have operated for years without causing harmful interference to terrestrial networks around the world, including Canada and Mexico.[8] Based on this history of successful operation, TIA, ITI and CEA recommend that the Commission allow AAS operations on international flights. This approach would recognize the global nature of international commercial aviation and support harmonized standards to facilitate global IMC operations.

TIA, ITI and CEA agree with commenting parties who recommend that the Commission take this initial step to facilitate the benefits of IMC access to consumers travelling on international flights. Consumers should not be deprived of IMC offerings just because an AAS-equipped aircraft has entered into U.S. airspace, particularly when such operations can be conducted on a non-interference basis in accordance with existing international standards and subject to authority granted by an airline's registering nation.

Although IMC should also be introduced on U.S. domestic flights, additional technical work may be necessary to develop rules for domestic IMC operations, since European studies have not analyzed AAS operations on US spectrum bands and across all US air interfaces. The Commission should not delay the benefits of IMC applications as U.S.-specific operational and technical standards are developed, but rather it should enable IMC on international flights as an initial step towards broader IMC availability. In this connection, passengers on international flights are more likely to carry "world phones" and have international roaming plans to allow

[8] *See NPRM* at ¶ 3.

access to existing international IMC networks. Thus, TIA, ITI and CEA suggest that permitting onboard international flights to and from the United States would serve the public interest.

IV. The Commission Should Allow Industry to Continue Its Technical Work Regarding U.S. Domestic IMC Offerings

A review of the comments submitted in this proceeding suggests that further work may be necessary to support U.S. domestic IMC operations given the varying commercial mobile spectrum bands and mobile air interfaces used in the United States and other factors.[9] The existing IMC studies and standards provide a solid foundation for U.S. domestic implementation but, as Boeing suggested, power limits and related parameters may be required to expand existing AAS standards to permit operations on additional frequencies used in the United States.[10]

V. Conclusion

For the foregoing reasons, TIA, ITI and CEA urge the Commission to adopt rules that facilitate the early introduction of IMC on international flights and afford additional time for industry to consider issues associated with U.S. domestic IMC operations.

Respectfully submitted,

Telecommunications Industry Association
1320 N. Courthouse Road
Suite 200
Arlington, VA 22201
(703) 907-7700

Information Technology Industry Council
1101 K Street, N.W. Suite 610
Washington, D.C. 20005
202-737-8888

[9] *See NPRM* at ¶ 33.

[10] *See* Boeing Comments at 15.

Consumer Electronics Association
1919 S. Eads Street
Arlington, VA 22202
703-907-7644

May 16, 2014