Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
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Revisions to Parts 2 and 25 of the Commission's Rules to Govern the Use of Earth Stations Aboard Aircraft Communicating with Fixed-Satellite Service Geostationary-Orbit Space Stations Operating in the 10.95-11.2 GHz, 11.45-11.7 GHz, 11.7-12.2 GHz and 14.0-14.5 GHz Frequency Bands	)	IB Docket No. 12-376

COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION

I. INTRODUCTION AND SUMMARY

The Telecommunications Industry Association ("TIA") hereby submits input to the Federal Communications Commission ("Commission") on its Notice of Proposed Rulemaking ("NPRM") proposing to elevate the allocation status of Earth Stations Aboard Aircraft (ESAA) in the 14.0-14.5 GHz band from secondary to primary, which would make the ESAA allocation equal to the allocations of Earth Stations on board Vessels ("ESV") and Vehicle-Mounted Earth Stations ("VMES").[1]

[1] *See Revisions to Parts 2 and 25 of the Commission's Rules to Govern the Use of Earth Stations Aboard Aircraft Communicating with Fixed-Satellite Service Geostationary-Orbit Space Stations Operating in the 10.95-11.2 GHz, 11.45-11.7 GHz, 11.7-12.2 GHz and 14.0-14.5 GHz Frequency Bands*, IB Docket No. 12-376 (rel. Dec. 28, 2013).

TIA supports the Commission's initiatives to make broadband services, including Internet access, available to passengers and flight crews aboard commercial airliners and private aircraft. Market research demonstrates that consumers want increased and constant access to data generally,[2] and specifically for in-flight services.[3] TIA commends the Commission's activity in this area, including consideration of alternative technological solutions to providing in-flight broadband.[4] Already substantial ICT manufacturer and vendor interest exists and is investing in this opportunity for growth internationally. TIA has also previously provided comment to the Federal Aviation Administration,[5] regarding an outdated regulatory regime remains in place in the United States that prohibits enhanced communications services, while the rest of the developed world generally allows for companies to innovatively provide enhanced voice and data service to in-flight consumers. We believe this specific proposal from the Commission is potentially an important alternative toward rectifying that.

TIA represents the information and communications technology ("ICT") manufacturer, supplier, and vendor interest, including those stakeholders that enable ESAA. ESV, and VMES services in these bands. We support and congratulate the Commission on its implementing the

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[2] *See*, TIA, *TIA 2013 ICT Market Review & Forecast* (2013), Section 5-3: In-Flight Broadband Wireless LAN Standards *available at* http://www.tiaonline.org/resources/market-forecast (last visited May 22, 2013). ("TIA MR&F").

[3] For example, some estimates project the total in-flight electronic communications market to reach $3 Billion by 2017 with a compound annual growth rate of 6.67%. *See, e.g.*, marketsandmarkets.com, Global Commercial Aviation in Flight Entertainment & Communications Market (2012 -2017) (Oct. 2012), *available at* http://www.marketsandmarkets.com/Market-Reports/in-flight-entertainment-communications-market-860.html (last visited May 22, 2013).

[4] See, Expanding Access to Broadband and Encouraging Innovation through Establishment of an Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0-14.5 GHz Band, GN Docket No. 13-114 RM-11640[4] (rel. May 9, 2013)

[5] *See, e.g.*, Comments of TIA to the Federal Aviation Administration's Notice of Policy and Request for Comments on Passenger Use of Portable Electronic Devices on Board Aircraft (Docket No. FAA-2012-0752), filed Nov. 5, 2012, *available at* http://www.tiaonline.org/sites/default/files/pages/TIA%20Comments%20to%20FAA%20on%20PED%20In-Flight%20Use%20103012.pdf. (last visited May 22, 2013).

ESAA as an application of the Fixed-Satellite Service ("FSS") and formalizing ESAA as a licensed application in the FSS. We submit these comments to communicate our support for the Commission's proposal to create that regulatory parity between ESV, VMES and ESAA by authorizing ESAA as an application of the FSS should also be authorized on a primary basis in the 14.0-14.5 GHz uplink band. Such a move is consistent with long-standing technology neutrality principles, and is in furtherance of the much-needed (and acknowledged) policy changes in the United States that will promote the availability of broadband services, including Internet access, to passengers and flight crews aboard commercial airliners and private aircraft

TIA, supported by approximately 500 participating members, is a trade association representing the ICT manufacturer, vendor, and supplier interest,[6] and has been a standards development organization since its inception in 1988. TIA's standards committees create consensus-based voluntary standards for numerous facets of the ICT industry, for use by both private sector interests and government, which are affected by the Commission's actions related to the T-Band.[7] Among other areas, TIA's standards committees develop protocols and interface standards relating to current U.S. Government technology priorities in such areas as fiber optics, public and private interworking, telecommunications cable infrastructure, wireless and mobile communications, multimedia and voice over internet protocol access. TIA's standards reach into a wide array of areas, such as Smart Grid,[8] health care ICT,[9] and – of particular relevance to the

[6] For an overview of the ICT market, technologies and policies that drive innovation and investment, please see TIA's *2013 Policy Playbook* at http://www.tiaonline.org/policy/tia-2013-playbook. (last visited May 22, 2013).

[7] TIA publishes an annual report, titled the *TIA 2012-2013 Standards & Technology Annual Report*, that includes the latest actions taken by each respective TIA engineering committee toward the development of standards for the advancement of global communications, which is available at https://www.tiaonline.org/sites/default/files/pages/STAR4.24.13.pdf. (last visited May 22, 2013).

[8] TIA's Engineering Committee TR-50 (Smart Device Communications) is responsible for the development and maintenance of access agnostic interface standards for the monitoring and bi-directional communication of events and information between smart devices and other devices, applications or networks. *See* http://tr50.tiaonline.org . (last visited May 2, 2013).

T-Band – industrial and emergency communications.[10] TIA's hundreds of member companies provide, develop, manufacture, and supply ICT products and services, including components of the ESAA, ESV and VMES services.

II. TIA SUPPORTS THE PROPOSED ELEVATION OF ESSA TO PRIMARY STATUS IN THE 14.0-14.5 GHz BAND

In the NPRM, the Commission, based on recommendations from a number of stakeholders, proposes that ESAA be authorized on a primary basis in the 14.0-14.5 GHz uplink band FSS, and provides proposed text of footnote NG55 from the Table of Allocations.[11] This new proposed footnote is also proposed to consolidate the text from footnotes NG54, NG183, and NG187, the three of which would then be eliminated.[12]

TIA, representing the ICT manufacturer, vendor, and supplier community, agrees with the proposals in the NPRM. Based on the record in this docket, our understanding that the ESV and VMES users already in the 14.0-14.5 GHz band will not be impacted negatively from a technical standpoint by this proposal because the regulatory compliance characteristics of all Ku-band mobile VSAT uses are identical. If the Commission moves forward as proposed in the

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9 TIA's Engineering Committee TR-49 (Healthcare ICT) is responsible for development and maintenance of standards for the healthcare ICT applications which involve medical devices, network infrastructure, applications, and operations support. *See* http://tr49.tiaonline.org (last visited May 22, 2013)..

10 TIA's Engineering Committee TR-8 formulates and maintains standards for private radio communications systems and equipment for both voice and data applications. TR-8 addresses all technical matters for systems and services, including definitions, interoperability, compatibility, and compliance requirements. The types of systems addressed by these standards include business and industrial dispatch applications, as well as public safety (such as police, ambulance and firefighting) applications. *See* http://tr8.tiaonline.org (last visited May 22, 2013)..

11 *See* NPRM at ¶ 142.

12 *See Id.*

NPRM, the practical implication would be to bring parity to offerings using the same technical requirements. We also believe the NPRM's proposals are consistent with TIA's long-held advocacy for policies that promote technology neutrality. Technology-neutral frequency allocations facilitate innovation and competition, and promote the successful model of standard and product development by market-driven dynamics. We believe that the Commission also appreciates this core principle's value across the communications industry in facilitating competition.[13]

[13] For example, as far back as 1997, the Commission has stated that "Technological neutrality will allow the marketplace to direct the advancement of technology and all citizens to benefit from such development. By following the principle of technological neutrality, we will avoid limiting providers... to modes of delivering that service that are obsolete or not cost effective. Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776 (1997), ¶ 49.

III. CONCLUSION

For the foregoing reasons, TIA urges the Commission to proceed with its proposals in the NPRM, and to take into consideration our above-described views in this proceeding.

Respectfully submitted,

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