



## LAND MOBILE COMMUNICATIONS COUNCIL

August 3, 2015

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: *Ex Parte* Letter  
WT Docket No. 13-301

Dear Ms. Dortch:

The Land Mobile Communications Council (“LMCC”) is a non-profit association of organizations representing virtually all users of land mobile radio systems, providers of land mobile services, and manufacturers of land mobile radio equipment. LMCC acts with the consensus, and on behalf of the vast majority of public safety, business, industrial, transportation and private commercial radio users, as well as a diversity of land mobile service providers and equipment manufacturers. In the above-referenced matter,<sup>1</sup> the Commission proposes to remove restrictions and “harmonize regulations governing the operation of mobile devices on airborne aircraft across all commercial mobile spectrum bands,” placing such rules under Part 87 of the Commission’s rules. Specifically, the proceeding proposes rule changes to facilitate the availability of commercial mobile airborne **broadband** use.<sup>2</sup>

While there may be public interest benefits associated with the consolidation of rules affecting commercial broadband airborne operations, the LMCC wholeheartedly agrees with the recent comments submitted by NPSTC,<sup>3</sup> pointing out that Rule Section 90.423 governs not only broadband SMR operations, but private internal and commercial systems that may require airborne operations. These include both mission-critical public safety airborne operations and a great many Business/Industrial and Land Transportation systems that include some airborne applications. The petroleum, heavy construction and agricultural industries, to name just a few, utilize airborne operations to support their critical business objectives. These operations have been accommodated successfully under Rule Section 90.423 for decades and should not be affected by whatever changes the FCC makes to commercial mobile broadband use.

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<sup>1</sup> Expanding Access to Mobile Wireless Services Onboard Aircraft, *Notice of Proposed Rulemaking*, WT Docket No. 13-301, 28 FCC Rcd 17132 (2013) (“NPRM”).

<sup>2</sup> *Id.* at ¶ 27. The NPRM appears to use the term “mobile wireless” as a short-hand way to reference “commercial mobile broadband wireless” service.

<sup>3</sup> See NPSTC Comments (July 6, 2015).

The LMCC agrees with NPSTC that the proposed change to Section 90.423 must have been unintentional, as the scope of that provision extends well beyond the operations that are the focus of the NPRM. The LMCC urges the FCC to ensure that any amendments to Section 90.423 apply only to broadband SMR operations licensed under Part 90 of the rules. The current provisions of Rule Section 90.423, Operation on Board Aircraft, paragraphs (a) through (d) should be maintained for all other Part 90 licensees whose systems require airborne operations.

We appreciate this opportunity to submit our comments in this matter.

Sincerely,

/s/

Gregory Kunkle  
President