

Before the
Federal Communications Commissions

Washington, D.C.

SkyWay Aircraft, Inc.

6021 142nd AV N.

Clearwater, Fl 33760

In the Matter of

Amendment of Part 22 of the Commission's Rules to Benefit the Consumers
of
Air-Ground Telecommunications Services

Biennial Regulatory Review - Amendment of Parts 1, 22, and 90 of the
Commission's Rules

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: WT Docket No. 03-103

Comments of proposed Rule Making in Docket No. 03-103

Comments

On Notice of Proposed Rulemaking

I. Introduction

In 2003, Skyway Aircraft, Inc. (Skyway) purchased the AT&T/Claircom ATG network and equipment, with the intention of providing air-to-ground (ATG) services to the public and aircraft carriers. Skyway believes the public is grossly underserved in this area. The current bandwidth can accommodate, and was intended for, at least six providers. Today there is only one provider of ATG services. The Skyway system will, when fully deployed, provide air to ground connection of up to 15Mbps, wireless high-speed internet, telephone services, advanced in-flight entertainment with on-demand video/audio monitored security services, a Flight Management Avionics Data Link (FMADL) for aircraft maintenance support, and archiving of aircraft data. The Skyway system will achieve these services within the parameters of the AT&T/Claircom system.

In order to facilitate the growth of these services, and the services of other potential entrants, the Commission should retain the present spectrum requirements within the 849-851 MHz ground to air and the 894-896 MHz air to

ground bandwidths, and as noted below consider the expansion for ATG services.

By utilizing new technologies, new entrants, such as Skyway can provide the public with the capability for simultaneous telephone calls from the aircraft by using voice over IP. This utilization of the bandwidth will permit users to make more calls per plane at a lower price to the consumer.

For example, this method can incorporate the normal call setup structure that is described in the existing license structure. A call can be set up on one of the available 29, 6 KHz channels. Each 6 KHz channel can carry more than one conversation and be delivered to a backbone network which will be converted back to its original format and sent to the PSTN via a vendor to be selected.

The present bandwidth allocation allows Skyway and other potential entrants to cooperate and comply with all provisions of the existing ATG license. The present allocation permits licensees to work closely with other licensees to assure that each does not interfere with the other and allows the management of existing capacity for fair access to all 29 channels per channel block.

II. Skyway's Approach to the Existing Bandwidth.

Skyway's intent is to reconstruct the AT&T/Claircom ATG network under the provisions of the original license as modified to meet new technologies and Commission requirements. It will undertake the task of rebuilding the network, reinstatement of the ATG communications network to the aircraft and finding additional ways in making that connection profitable. Skyway's current plan is to use this license to provide more economical in-flight communications, With the current bandwidth Skyway, and other new entrants, will be in a position to provide enhanced services that include providing in-flight entertainment services; such as internet access, on-demand movies, GPS services, destination and flight information, in-flight aircraft systems management services and a variety of other airline services.

In addition to the ATG network, it is Skyway's plan to utilize the associated nationwide ground network to provide the foundation and solutions to other of the Homeland Security issues. The current license structure and

available bandwidth will promote this growth in uses. Some of these solutions will include the transmission and recording services of real-time video surveillance coverage within the aircraft and transporting that data to ground monitoring stations. Skyway Aircraft will have the ability to provide a wide variety of services for aircraft security in concert with the Department of Homeland Security, commercial airlines, private aircraft and the flying public, in general. Some of the additional applications that would be available by utilizing the Skyway system and the nationwide ground network would be communications, surveillance and monitoring networks for airports, ports authority, dams and nuclear power plants, gas and oil facilities, monitoring of shipping containers, emergency medical services and a host of other emergency communications network applications.

Skyway Aircraft has taken measures to implement this network both on the ground and in the air by working with Airbase Services Inc. Airbase managed the installation and maintenance of all of the aircraft equipped with the Claircom/AT&T Wireless system. By taking these measures Skyway has demonstrated a commitment to reestablishing the Claircom/AT&T Wireless system.

III. Skyway Aircraft believes that the Commission should not modify the rules or release the bandwidth except to expand it for ATG Services.

The Commission should allow new entrants, like Skyway, to reconstruct the old AT&T Wireless/Claircom system or use the bandwidth to provide new and innovative services to the flying public. Skyway has technology to

improve

on-board services to the flying public, (commercial, private and government), within the parameters of the existing license. Changes in the rule at this time would not allow Skyway to enter the ATG market under the present license structure.

Skyway encourages the Commission to allow competitors to participate in the ATG market and to develop new services to meet the demands of national security and the Department of Homeland Security. Skyway has the technology to play a role in ensuring the safety of the commercial and private flying public. Present technology provides the ability for real time video and high-speed data to and from an aircraft within the bandwidth.

Skyway believes by modifying the rules to "exclusive use" for the present license holder, Verizon, or to abandon the bandwidth would stifle the entry of other competitors and eliminate the continuing innovation of products that will make the public's flying experience more comfortable and safe.

Skyway asserts the existing satellite market should compliment the terrestrial network that Skyway intends to activate under this license. The interaction between the terrestrial and celestial providers of ATG service would benefit the industry's ability to secure the skies and provide new services to intercontinental passengers. For this to occur, the present bandwidth allocation is necessary.

Skyway potential entry in the ATG arena eliminates the appearance of one participant as a monopoly and increases the interest of others to enter the market and bring new and innovative products. This increase in competition will address the fact that sixty percent of commercial aircraft no longer have air-ground communications service available to passengers.

Skyway believes that the events of 9-11 have inspired the industry to be more proactive about airline security and public safety. With this new interest in ATG services, Skyway believes there will be more participants to accomplish the goal of more security measures for the flying public.

Skyway agrees with Verizon's position to allocate more bandwidth within the 800MHz band but does not agree with "exclusive use". Allocating more bandwidth will entice more participants in ATG and in turn new innovation.

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IV. Conclusion

For the foregoing reasons, Skyway, requests that the Rule not be eliminated and that the allocation for ATG licenses be expanded within in the 800 MHZ. band.

Respectfully submitted,

James Kent

Skyway Aircraft, Inc.

Jim Funkhouser

Director of Network Operations

Skyway Aircraft

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