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Donald C. Brittingham
Director – Wireless/Spectrum Policy

August 24, 2004

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

**Re: *Ex Parte* Presentation
WT Docket No. 03-103; “Air-Ground Telecommunications Services”**

Dear Ms. Dortch:

Today, Bill Pallone, President and CEO – Verizon Airfone, Rob Combs, Director – Verizon Airfone, Leslie Owsley, Assistant General Counsel – Verizon, David Hilliard, Wiley Rein & Fielding and counsel to Airfone, and the undersigned met with Richard Arsenault and Jay Jackson of the Wireless Telecommunications Bureau, and Julius Knapp and Jim Schlichting of the Office of Engineering and Technology to discuss the Commission’s pending rulemaking on the Air-Ground service.

In this meeting, the FCC representatives presented Airfone with various scenarios under consideration by the Commission in this proceeding for delivering Air-Ground service including: (1) two exclusive licenses (one 2.5 MHz in size and the other 1.5 MHz); (2) two overlapping 2.5 MHz licenses; and (3) one exclusive 4 MHz license. The discussion focused on how each of these scenarios would impact the user experience, e.g., data throughput to the seat, and the Staff asked Airfone to provide additional information for inclusion in the record of this proceeding.

In responding to the request described above, Airfone was asked to make the following assumptions regarding data traffic: 15 users per airplane and 3 planes per sector. Airfone noted that these assumptions do not reflect the real-world situations in which a broadband Air-Ground network must operate, and urged the Staff to modify its assumptions to better reflect real-world conditions. In designing its current network, Airfone assumes that there are ten planes present in each sector at any given time. In many cases, there may be more than ten. The attached map illustrates the air traffic around Chicago at a particular instant in time this afternoon. The map depicts three 120 degree sectors and shows a radius of 200 miles. As can be seen, there are many more than three planes in the vast majority of sectors.

In its traffic studies, Airfone assumes ten (and not 15) users per airplane. Importantly, this does not mean that there are only ten customers engaged in an active communications session with

the network. Every passenger could, theoretically, be “on line.” It simply means that there are ten users that are simultaneously sending and/or receiving data to/from the network at a given point in time. While this number will obviously vary, Airfone has found that ten represents a reasonable average.

Airfone also believes that the FCC should not assume that Air-Ground service will be limited to “cruising altitude,” i.e., 10,000 feet or more above the ground. While it is true that the flying public may be restricted from using their electronic devices while the plane is taking off or landing, there are critical services provided to airline officials and law enforcement officers that must be available all the way to the runway. It is absolutely critical that the Commission not adopt rules that would impede the delivery of these services. Additionally, there are other users such as private and government general aviation aircraft and commuter aircraft that will require service below this altitude.

Pursuant to Section 1.1206(b)(2) of the Commission’s Rules, an electronic copy of this letter is being filed for inclusion in the above-referenced docket.

Sincerely,

/s/ Donald C. Brittingham
Donald C. Brittingham

cc: Richard Arsenault
Jay Jackson
Julius Knapp
Jim Schlichting