



PUBLIC NOTICE

Federal Communications Commission
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DA 21-796

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY GOGO BUSINESS AVIATION LLC FOR WAIVER OF 800 MHZ AIR-GROUND SERVICE POWER MEASUREMENT RULE

WT Docket No. 21-282

Comments Due: August 6, 2021

Reply Comments Due: August 23, 2021

On May 26, 2021, GoGo Business Aviation LLC (“Gogo BA”) filed a request¹ to waive Section 22.867 of the Commission’s rules² governing the effective radiated power (“ERP”) limits for air-to-ground (“ATG”) operations in the 849-851 MHz and 894-896 MHz bands.³ Specifically, Gogo BA seeks relief from the rule to permit measurement of the maximum average power for the current ERP limit, rather than the current peak power measurement specified in the rule.⁴ GoGo BA states that a waiver is necessary to permit a transition to its next generation system using Orthogonal Frequency Division Multiplex Technology (OFDM) that will improve throughput, coverage, and reliability for inflight connectivity to aircraft in the U.S and Canada.⁵ Gogo BA states that, since OFDM-based waveforms typically have higher peak-to-average ratios (“PAR”) than other common waveforms, Section 22.867’s requirement that ERP Limits in the 800 MHz ATG Band be measured as “peak ERP” would unnecessarily hamper the service being delivered with no discernable reduction in harmful interference risk for co-channel or adjacent band operators.⁶ Gogo BA also states that Canada already permits maximum average power measurement for ATG operations⁷ and Commission rules use average instead of peak measurement for other mobile services in Parts 22, 24, 27 and 30, so a waiver would promote uniformity in how power is measured across services using OFDM technology.⁸

¹ Gogo Business Aviation LLC Request for Waiver, filed by Michele C. Farquhar to non-docketed ECFS INBOX-1.3 on May 26, 2021 (*Request*).

² 47 CFR § 22.867.

³ See 47 CFR § 22.857 (“The 849-851 MHz and 894-896 MHz frequency bands are designated for paired nationwide exclusive assignment to the licensee or licensees of systems providing radio telecommunications service...to persons on board aircraft.”)

⁴ *Request* at 3.

⁵ *Id.*

⁶ *Id.* at 7 (quoting 47 CFR § 22.867).

⁷ *Id.* at 5.

⁸ *Id.* at 4-6.

By this *Public Notice*, the Wireless Telecommunications Bureau (Bureau) seeks comment on all aspects of this request for waiver. To develop a complete record on the issues presented by this request, the proceeding will be treated, for *ex parte* purposes, as a “permit-but-disclose” proceeding in accordance with Section 1.1200(a) of the Commission’s rules, subject to the requirements under Section 1.1206(b). Gogo BA filed its petition electronically as a non-docketed proceeding in the Commission’s Electronic Comment Filing System.⁹ We have opened a new docket, **WT Docket 21-282**, to facilitate consideration of this request and have moved Gogo BA’s petition into this docket. Parties should file all comments and reply comments in **WT Docket 21-282**.

Filing Requirements. Parties may file comments, identified by WT Docket No. **21-282**, by any of the following methods:

- Electronic Filers: Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial courier or by the U.S. Postal Service. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial deliveries (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service First-Class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.
- **Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20-304 (March 19, 2020).** <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changeshand-delivery-policy>.
- **During the time the Commission’s building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.**

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Government Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Additional Information. For further information regarding this Public Notice, please contact Moslem Sawez at Moslem.Sawez@fcc.gov or (202) 418-8211.

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⁹ See Gogo Business Aviation LLC Request for Waiver, filed by Michele C. Farquhar to non-docketed ECFS INBOX-1.3 on May 26, 2021