



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Earl Blumenauer
U.S. House of Representatives
1111 Longworth House Office Building
Washington, DC 20515

Dear Congressman Blumenauer:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

It is true that in-flight technology has been transformed over the past several years, and that passenger use of mobile devices could provide access to a wide range of in-flight communications applications, including text, e-mail, and data applications. It is also true that current technology offers airlines the flexibility to deploy a system that can allow data only.

The FCC's December *NPRM* represented the beginning of a process to consider whether and how we should revise our rules to account for new technology and to improve consumers' access to mobile wireless services onboard aircraft. As a first step in that process, we are collecting information and soliciting the views of consumers and other stakeholders on an array of questions that will assist us in determining if any modifications to our rules would serve the public interest. However, even if the record leads the Commission to update our rules, it will be the airlines' decision, in consultation with their customers and subject to applicable Department of Transportation (DoT) and Federal Aviation Administration (FAA) rules, whether or not to permit the use of data, text and/or voice services while airborne.

There are several key aspects to the Commission's proposal. First, we propose to harmonize our rules by expanding the current restriction on in-flight use of cellphones operating in the 800 MHz band to cover all mobile communications services in all mobile wireless bands. That the current rules do not apply to phones operating in other cellular frequencies represents a regulatory inconsistency that is poor policy.

Second, we propose to modernize our rules by permitting airlines using FAA-certified airborne access systems to decide, consistent with DoT and FAA rules, whether and how to make in-flight mobile wireless services available to their customers. As the expert agency on communications, it is the FCC's role to examine continuously our rules in light of such technology developments and to eliminate unnecessary or outdated regulations where

appropriate. The principal reason the Commission adopted its existing rule was out of a concern that such use onboard an aircraft could interfere with a terrestrial network on the ground. Today, new airborne access systems, which have been in use for a number of years by airlines in other countries, capably manage the mobile device's signal so that it does not cause interference to cell phone networks on the ground.

In light of these recent technological advances, the Commission is obligated to examine whether our existing restrictions on airborne use remain necessary to prevent harmful interference to mobile networks on the ground. Accordingly, the Commission is seeking comment on whether such airborne access systems can be used by airlines to effectively manage mobile broadband-capable devices operating on U.S. cellular bands. This proposal would replace current restrictions – which affect some, but not all, mobile bands – with a consistent regulatory framework that explicitly prohibits airborne use of cellular services in all frequency bands unless an aircraft is equipped with an airborne access system and is complying with all applicable DoT and FAA requirements.

Consistent with the views expressed in your letter, initial public response to the *NPRM* largely has focused on the possibility that modernizing our rules would open the door to allow passengers to make voice calls during flight. Many are concerned that adoption of this proposal would result in a less-enjoyable travel experience caused by other passengers engaging in unreasonably loud phone conversations during flight. These are not unreasonable concerns. As a frequent airline passenger, I would prefer that voice calls not be made on planes. However, it is the responsibility of the Commission to ensure, to the greatest degree we can, that our rules are based on sound *technological* judgments.

If the Commission determines that airborne mobile use is possible without negative effects to cellular networks, the *airlines*, under the FCC's proposal, would have the ultimate say as to whether and how to provide service using cellular airborne access systems, subject to applicable DoT and FAA rules. In fact nothing in this proposal would limit the ability of airlines to ban voice conversations in-flight. For example, an airline could choose to not offer voice service at all and to only provide data communications so that passengers can experience the kind of data-focused activities that you mention: surf the Web, send and receive text messages and email, or access social media to stay connected to friends and family.

Moreover, issues regarding passenger impact are more appropriately resolved by the DOT's Office of the Secretary (OST), which oversees aviation consumer protection issues, and the FAA, which has authority over safety issues. In this regard, OST recently issued an Advance Notice of Proposed Rulemaking (ANPRM) to examine the issue of air passengers' airborne use of mobile wireless devices for voice calls. The ANPRM seeks comment on whether allowing in-flight voice communications is unfair to consumers and, if so, whether such use should be banned or restricted. I am fully supportive of that examination.

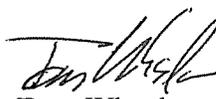
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Congress can also address whether in-flight voice calls should be banned. Two bills have been introduced, H.R 3676 and S.1811, that would ban voice calls on flights. H.R 3676 has been reported out of the House Committee on Transportation and Infrastructure. The Commission is ready to offer technical assistance on these bills and any other similar legislation.

There will be months of public comment and debate on the specific issues raised in the *NPRM* prior to any adoption of final rules. We hope that all interested stakeholders, including the airlines, flight attendants, pilots, the flying public, and others will review our draft proposal closely and engage in our rulemaking process.

Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

Sincerely,



Tom Wheeler

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OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Madeleine Bordallo
U.S. House of Representatives
2441 Rayburn House Office Building
Washington, DC 20515

Dear Congresswoman Bordallo:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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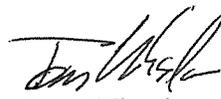
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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Robert Brady
U.S. House of Representatives
102 Cannon House Office Building
Washington, DC 20515

Dear Congressman Brady:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Julia Brownley
U.S. House of Representatives
1019 Longworth House Office Building
Washington, DC 20515

Dear Congresswoman Brownley:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Lois Capps
U.S. House of Representatives
2231 Rayburn House Office Building
Washington, DC 20515

Dear Congresswoman Capps:

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Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

Sincerely,



Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Michael Capuano
U.S. House of Representatives
1414 Longworth House Office Building
Washington, DC 20515

Dear Congressman Capuano:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

It is true that in-flight technology has been transformed over the past several years, and that passenger use of mobile devices could provide access to a wide range of in-flight communications applications, including text, e-mail, and data applications. It is also true that current technology offers airlines the flexibility to deploy a system that can allow data only.

The FCC's December *NPRM* represented the beginning of a process to consider whether and how we should revise our rules to account for new technology and to improve consumers' access to mobile wireless services onboard aircraft. As a first step in that process, we are collecting information and soliciting the views of consumers and other stakeholders on an array of questions that will assist us in determining if any modifications to our rules would serve the public interest. However, even if the record leads the Commission to update our rules, it will be the airlines' decision, in consultation with their customers and subject to applicable Department of Transportation (DoT) and Federal Aviation Administration (FAA) rules, whether or not to permit the use of data, text and/or voice services while airborne.

There are several key aspects to the Commission's proposal. First, we propose to harmonize our rules by expanding the current restriction on in-flight use of cellphones operating in the 800 MHz band to cover all mobile communications services in all mobile wireless bands. That the current rules do not apply to phones operating in other cellular frequencies represents a regulatory inconsistency that is poor policy.

Second, we propose to modernize our rules by permitting airlines using FAA-certified airborne access systems to decide, consistent with DoT and FAA rules, whether and how to make in-flight mobile wireless services available to their customers. As the expert agency on communications, it is the FCC's role to examine continuously our rules in light of such technology developments and to eliminate unnecessary or outdated regulations where

appropriate. The principal reason the Commission adopted its existing rule was out of a concern that such use onboard an aircraft could interfere with a terrestrial network on the ground. Today, new airborne access systems, which have been in use for a number of years by airlines in other countries, capably manage the mobile device's signal so that it does not cause interference to cell phone networks on the ground.

In light of these recent technological advances, the Commission is obligated to examine whether our existing restrictions on airborne use remain necessary to prevent harmful interference to mobile networks on the ground. Accordingly, the Commission is seeking comment on whether such airborne access systems can be used by airlines to effectively manage mobile broadband-capable devices operating on U.S. cellular bands. This proposal would replace current restrictions – which affect some, but not all, mobile bands – with a consistent regulatory framework that explicitly prohibits airborne use of cellular services in all frequency bands unless an aircraft is equipped with an airborne access system and is complying with all applicable DoT and FAA requirements.

Consistent with the views expressed in your letter, initial public response to the *NPRM* largely has focused on the possibility that modernizing our rules would open the door to allow passengers to make voice calls during flight. Many are concerned that adoption of this proposal would result in a less-enjoyable travel experience caused by other passengers engaging in unreasonably loud phone conversations during flight. These are not unreasonable concerns. As a frequent airline passenger, I would prefer that voice calls not be made on planes. However, it is the responsibility of the Commission to ensure, to the greatest degree we can, that our rules are based on sound *technological* judgments.

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Moreover, issues regarding passenger impact are more appropriately resolved by the DOT's Office of the Secretary (OST), which oversees aviation consumer protection issues, and the FAA, which has authority over safety issues. In this regard, OST recently issued an Advance Notice of Proposed Rulemaking (ANPRM) to examine the issue of air passengers' airborne use of mobile wireless devices for voice calls. The ANPRM seeks comment on whether allowing in-flight voice communications is unfair to consumers and, if so, whether such use should be banned or restricted. I am fully supportive of that examination.

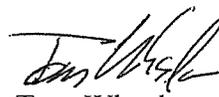
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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Steve Cohen
U.S. House of Representatives
2404 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Cohen:

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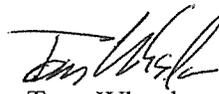
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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Gerald Connolly
U.S. House of Representatives
424 Cannon House Office Building
Washington, DC 20515

Dear Congressman Connolly:

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Jim Cooper
U.S. House of Representatives
1536 Longworth House Office Building
Washington, DC 20515

Dear Congressman Cooper:

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Jim Costa
U.S. House of Representatives
1314 Longworth House Office Building
Washington, DC 20515

Dear Congressman Costa:

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If the Commission determines that airborne mobile use is possible without negative effects to cellular networks, the *airlines*, under the FCC's proposal, would have the ultimate say as to whether and how to provide service using cellular airborne access systems, subject to applicable DoT and FAA rules. In fact nothing in this proposal would limit the ability of airlines to ban voice conversations in-flight. For example, an airline could choose to not offer voice service at all and to only provide data communications so that passengers can experience the kind of data-focused activities that you mention: surf the Web, send and receive text messages and email, or access social media to stay connected to friends and family.

Moreover, issues regarding passenger impact are more appropriately resolved by the DOT's Office of the Secretary (OST), which oversees aviation consumer protection issues, and the FAA, which has authority over safety issues. In this regard, OST recently issued an Advance Notice of Proposed Rulemaking (ANPRM) to examine the issue of air passengers' airborne use of mobile wireless devices for voice calls. The ANPRM seeks comment on whether allowing in-flight voice communications is unfair to consumers and, if so, whether such use should be banned or restricted. I am fully supportive of that examination.

Additionally, the FAA is actively engaged in this matter to the extent it impacts airline safety or operations. Earlier this year the FAA released a Congressionally-mandated report titled *Study on the Use of Cell Phones on Passenger Aircraft* indicating that foreign civil aviation authorities in numerous countries where such technology has already been deployed reported “no documented occurrences of cell phones affecting flight safety on aircraft with on-board cellular telephone base stations.” The study found that “[n]one of the civil aviation authorities reported any cases of air rage or flight attendant interference related to passengers using cell phones on aircraft equipped with on-board cellular telephone base stations.”¹⁹

Congress can also address whether in-flight voice calls should be banned. Two bills have been introduced, H.R 3676 and S.1811, that would ban voice calls on flights. H.R 3676 has been reported out of the House Committee on Transportation and Infrastructure. The Commission is ready to offer technical assistance on these bills and any other similar legislation.

There will be months of public comment and debate on the specific issues raised in the *NPRM* prior to any adoption of final rules. We hope that all interested stakeholders, including the airlines, flight attendants, pilots, the flying public, and others will review our draft proposal closely and engage in our rulemaking process.

Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

Sincerely,



Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Peter DeFazio
U.S. House of Representatives
2134 Rayburn House Office Building
Washington, DC 20515

Dear Congressman DeFazio:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

It is true that in-flight technology has been transformed over the past several years, and that passenger use of mobile devices could provide access to a wide range of in-flight communications applications, including text, e-mail, and data applications. It is also true that current technology offers airlines the flexibility to deploy a system that can allow data only.

The FCC's December *NPRM* represented the beginning of a process to consider whether and how we should revise our rules to account for new technology and to improve consumers' access to mobile wireless services onboard aircraft. As a first step in that process, we are collecting information and soliciting the views of consumers and other stakeholders on an array of questions that will assist us in determining if any modifications to our rules would serve the public interest. However, even if the record leads the Commission to update our rules, it will be the airlines' decision, in consultation with their customers and subject to applicable Department of Transportation (DoT) and Federal Aviation Administration (FAA) rules, whether or not to permit the use of data, text and/or voice services while airborne.

There are several key aspects to the Commission's proposal. First, we propose to harmonize our rules by expanding the current restriction on in-flight use of cellphones operating in the 800 MHz band to cover all mobile communications services in all mobile wireless bands. That the current rules do not apply to phones operating in other cellular frequencies represents a regulatory inconsistency that is poor policy.

Second, we propose to modernize our rules by permitting airlines using FAA-certified airborne access systems to decide, consistent with DoT and FAA rules, whether and how to make in-flight mobile wireless services available to their customers. As the expert agency on communications, it is the FCC's role to examine continuously our rules in light of such technology developments and to eliminate unnecessary or outdated regulations where

appropriate. The principal reason the Commission adopted its existing rule was out of a concern that such use onboard an aircraft could interfere with a terrestrial network on the ground. Today, new airborne access systems, which have been in use for a number of years by airlines in other countries, capably manage the mobile device's signal so that it does not cause interference to cell phone networks on the ground.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable John Duncan
U.S. House of Representatives
2207 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Duncan:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written in a cursive style.

Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Keith Ellison
U.S. House of Representatives
2244 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Ellison:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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Sincerely,



Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Elizabeth Esty
U.S. House of Representatives
509 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Esty:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Sam Farr
U.S. House of Representatives
1126 Longworth House Office Building
Washington, DC 20515

Dear Congressman Farr:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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appropriate. The principal reason the Commission adopted its existing rule was out of a concern that such use onboard an aircraft could interfere with a terrestrial network on the ground. Today, new airborne access systems, which have been in use for a number of years by airlines in other countries, capably manage the mobile device's signal so that it does not cause interference to cell phone networks on the ground.

In light of these recent technological advances, the Commission is obligated to examine whether our existing restrictions on airborne use remain necessary to prevent harmful interference to mobile networks on the ground. Accordingly, the Commission is seeking comment on whether such airborne access systems can be used by airlines to effectively manage mobile broadband-capable devices operating on U.S. cellular bands. This proposal would replace current restrictions – which affect some, but not all, mobile bands – with a consistent regulatory framework that explicitly prohibits airborne use of cellular services in all frequency bands unless an aircraft is equipped with an airborne access system and is complying with all applicable DoT and FAA requirements.

Consistent with the views expressed in your letter, initial public response to the *NPRM* largely has focused on the possibility that modernizing our rules would open the door to allow passengers to make voice calls during flight. Many are concerned that adoption of this proposal would result in a less-enjoyable travel experience caused by other passengers engaging in unreasonably loud phone conversations during flight. These are not unreasonable concerns. As a frequent airline passenger, I would prefer that voice calls not be made on planes. However, it is the responsibility of the Commission to ensure, to the greatest degree we can, that our rules are based on sound *technological* judgments.

If the Commission determines that airborne mobile use is possible without negative effects to cellular networks, the *airlines*, under the FCC's proposal, would have the ultimate say as to whether and how to provide service using cellular airborne access systems, subject to applicable DoT and FAA rules. In fact nothing in this proposal would limit the ability of airlines to ban voice conversations in-flight. For example, an airline could choose to not offer voice service at all and to only provide data communications so that passengers can experience the kind of data-focused activities that you mention: surf the Web, send and receive text messages and email, or access social media to stay connected to friends and family.

Moreover, issues regarding passenger impact are more appropriately resolved by the DOT's Office of the Secretary (OST), which oversees aviation consumer protection issues, and the FAA, which has authority over safety issues. In this regard, OST recently issued an Advance Notice of Proposed Rulemaking (ANPRM) to examine the issue of air passengers' airborne use of mobile wireless devices for voice calls. The ANPRM seeks comment on whether allowing in-flight voice communications is unfair to consumers and, if so, whether such use should be banned or restricted. I am fully supportive of that examination.

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Congress can also address whether in-flight voice calls should be banned. Two bills have been introduced, H.R 3676 and S.1811, that would ban voice calls on flights. H.R 3676 has been reported out of the House Committee on Transportation and Infrastructure. The Commission is ready to offer technical assistance on these bills and any other similar legislation.

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Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

Sincerely,



Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Tulsi Gabbard
U.S. House of Representatives
502 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Gabbard:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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The FCC's December *NPRM* represented the beginning of a process to consider whether and how we should revise our rules to account for new technology and to improve consumers' access to mobile wireless services onboard aircraft. As a first step in that process, we are collecting information and soliciting the views of consumers and other stakeholders on an array of questions that will assist us in determining if any modifications to our rules would serve the public interest. However, even if the record leads the Commission to update our rules, it will be the airlines' decision, in consultation with their customers and subject to applicable Department of Transportation (DoT) and Federal Aviation Administration (FAA) rules, whether or not to permit the use of data, text and/or voice services while airborne.

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Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Gene Green
U.S. House of Representatives
2470 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Green:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Raul Grijalva
U.S. House of Representatives
1511 Longworth House Office Building
Washington, DC 20515

Dear Congressman Grijalva:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Michael Grimm
U.S. House of Representatives
512 Cannon House Office Building
Washington, DC 20515

Dear Congressman Grimm:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Janice Hahn
U.S. House of Representatives
404 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Hahn:

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Michael Honda
U.S. House of Representatives
1713 Longworth House Office Building
Washington, DC 20515

Dear Congressman Honda:

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Hank Johnson
U.S. House of Representatives
2240 Rayburn House Office Building
Washington, DC 20515

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Walter Jones
U.S. House of Representatives
2333 Rayburn House Office Building
Washington, DC 20515

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable David Joyce
U.S. House of Representatives
1535 Longworth House Office Building
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April 8, 2014

The Honorable Derek Kilmer
U.S. House of Representatives
1429 Longworth House Office Building
Washington, DC 20515

Dear Congressman Kilmer:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

It is true that in-flight technology has been transformed over the past several years, and that passenger use of mobile devices could provide access to a wide range of in-flight communications applications, including text, e-mail, and data applications. It is also true that current technology offers airlines the flexibility to deploy a system that can allow data only.

The FCC's December *NPRM* represented the beginning of a process to consider whether and how we should revise our rules to account for new technology and to improve consumers' access to mobile wireless services onboard aircraft. As a first step in that process, we are collecting information and soliciting the views of consumers and other stakeholders on an array of questions that will assist us in determining if any modifications to our rules would serve the public interest. However, even if the record leads the Commission to update our rules, it will be the airlines' decision, in consultation with their customers and subject to applicable Department of Transportation (DoT) and Federal Aviation Administration (FAA) rules, whether or not to permit the use of data, text and/or voice services while airborne.

There are several key aspects to the Commission's proposal. First, we propose to harmonize our rules by expanding the current restriction on in-flight use of cellphones operating in the 800 MHz band to cover all mobile communications services in all mobile wireless bands. That the current rules do not apply to phones operating in other cellular frequencies represents a regulatory inconsistency that is poor policy.

Second, we propose to modernize our rules by permitting airlines using FAA-certified airborne access systems to decide, consistent with DoT and FAA rules, whether and how to make in-flight mobile wireless services available to their customers. As the expert agency on communications, it is the FCC's role to examine continuously our rules in light of such technology developments and to eliminate unnecessary or outdated regulations where

appropriate. The principal reason the Commission adopted its existing rule was out of a concern that such use onboard an aircraft could interfere with a terrestrial network on the ground. Today, new airborne access systems, which have been in use for a number of years by airlines in other countries, capably manage the mobile device's signal so that it does not cause interference to cell phone networks on the ground.

In light of these recent technological advances, the Commission is obligated to examine whether our existing restrictions on airborne use remain necessary to prevent harmful interference to mobile networks on the ground. Accordingly, the Commission is seeking comment on whether such airborne access systems can be used by airlines to effectively manage mobile broadband-capable devices operating on U.S. cellular bands. This proposal would replace current restrictions – which affect some, but not all, mobile bands – with a consistent regulatory framework that explicitly prohibits airborne use of cellular services in all frequency bands unless an aircraft is equipped with an airborne access system and is complying with all applicable DoT and FAA requirements.

Consistent with the views expressed in your letter, initial public response to the *NPRM* largely has focused on the possibility that modernizing our rules would open the door to allow passengers to make voice calls during flight. Many are concerned that adoption of this proposal would result in a less-enjoyable travel experience caused by other passengers engaging in unreasonably loud phone conversations during flight. These are not unreasonable concerns. As a frequent airline passenger, I would prefer that voice calls not be made on planes. However, it is the responsibility of the Commission to ensure, to the greatest degree we can, that our rules are based on sound *technological* judgments.

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Moreover, issues regarding passenger impact are more appropriately resolved by the DOT's Office of the Secretary (OST), which oversees aviation consumer protection issues, and the FAA, which has authority over safety issues. In this regard, OST recently issued an Advance Notice of Proposed Rulemaking (ANPRM) to examine the issue of air passengers' airborne use of mobile wireless devices for voice calls. The ANPRM seeks comment on whether allowing in-flight voice communications is unfair to consumers and, if so, whether such use should be banned or restricted. I am fully supportive of that examination.

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Congress can also address whether in-flight voice calls should be banned. Two bills have been introduced, H.R 3676 and S.1811, that would ban voice calls on flights. H.R 3676 has been reported out of the House Committee on Transportation and Infrastructure. The Commission is ready to offer technical assistance on these bills and any other similar legislation.

There will be months of public comment and debate on the specific issues raised in the *NPRM* prior to any adoption of final rules. We hope that all interested stakeholders, including the airlines, flight attendants, pilots, the flying public, and others will review our draft proposal closely and engage in our rulemaking process.

Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

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Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Ann Kuster
U.S. House of Representatives
137 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Kuster:

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Barbara Lee
U.S. House of Representatives
2267 Rayburn House Office Building
Washington, DC 20515

Dear Congresswoman Lee:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Sander Levin
U.S. House of Representatives
1236 Longworth House Office Building
Washington, DC 20515

Dear Congressman Levin:

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Dave Loebsack
U.S. House of Representatives
1527 Longworth House Office Building
Washington, DC 20515

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Stephen Lynch
U.S. House of Representatives
2133 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Lynch:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

It is true that in-flight technology has been transformed over the past several years, and that passenger use of mobile devices could provide access to a wide range of in-flight communications applications, including text, e-mail, and data applications. It is also true that current technology offers airlines the flexibility to deploy a system that can allow data only.

The FCC's December *NPRM* represented the beginning of a process to consider whether and how we should revise our rules to account for new technology and to improve consumers' access to mobile wireless services onboard aircraft. As a first step in that process, we are collecting information and soliciting the views of consumers and other stakeholders on an array of questions that will assist us in determining if any modifications to our rules would serve the public interest. However, even if the record leads the Commission to update our rules, it will be the airlines' decision, in consultation with their customers and subject to applicable Department of Transportation (DoT) and Federal Aviation Administration (FAA) rules, whether or not to permit the use of data, text and/or voice services while airborne.

There are several key aspects to the Commission's proposal. First, we propose to harmonize our rules by expanding the current restriction on in-flight use of cellphones operating in the 800 MHz band to cover all mobile communications services in all mobile wireless bands. That the current rules do not apply to phones operating in other cellular frequencies represents a regulatory inconsistency that is poor policy.

Second, we propose to modernize our rules by permitting airlines using FAA-certified airborne access systems to decide, consistent with DoT and FAA rules, whether and how to make in-flight mobile wireless services available to their customers. As the expert agency on communications, it is the FCC's role to examine continuously our rules in light of such technology developments and to eliminate unnecessary or outdated regulations where

appropriate. The principal reason the Commission adopted its existing rule was out of a concern that such use onboard an aircraft could interfere with a terrestrial network on the ground. Today, new airborne access systems, which have been in use for a number of years by airlines in other countries, capably manage the mobile device's signal so that it does not cause interference to cell phone networks on the ground.

In light of these recent technological advances, the Commission is obligated to examine whether our existing restrictions on airborne use remain necessary to prevent harmful interference to mobile networks on the ground. Accordingly, the Commission is seeking comment on whether such airborne access systems can be used by airlines to effectively manage mobile broadband-capable devices operating on U.S. cellular bands. This proposal would replace current restrictions – which affect some, but not all, mobile bands – with a consistent regulatory framework that explicitly prohibits airborne use of cellular services in all frequency bands unless an aircraft is equipped with an airborne access system and is complying with all applicable DoT and FAA requirements.

Consistent with the views expressed in your letter, initial public response to the *NPRM* largely has focused on the possibility that modernizing our rules would open the door to allow passengers to make voice calls during flight. Many are concerned that adoption of this proposal would result in a less-enjoyable travel experience caused by other passengers engaging in unreasonably loud phone conversations during flight. These are not unreasonable concerns. As a frequent airline passenger, I would prefer that voice calls not be made on planes. However, it is the responsibility of the Commission to ensure, to the greatest degree we can, that our rules are based on sound *technological* judgments.

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Congress can also address whether in-flight voice calls should be banned. Two bills have been introduced, H.R 3676 and S.1811, that would ban voice calls on flights. H.R 3676 has been reported out of the House Committee on Transportation and Infrastructure. The Commission is ready to offer technical assistance on these bills and any other similar legislation.

There will be months of public comment and debate on the specific issues raised in the *NPRM* prior to any adoption of final rules. We hope that all interested stakeholders, including the airlines, flight attendants, pilots, the flying public, and others will review our draft proposal closely and engage in our rulemaking process.

Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Betty McCollum
U.S. House of Representatives
1714 Longworth House Office Building
Washington, DC 20515

Dear Congresswoman McCollum:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable David McKinley
U.S. House of Representatives
412 Cannon House Office Building
Washington, DC 20515

Dear Congressman McKinley:

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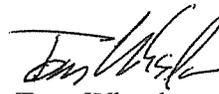
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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Patrick Meehan
U.S. House of Representatives
204 Cannon House Office Building
Washington, DC 20515

Dear Congressman Meehan:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Michael Michaud
U.S. House of Representatives
1724 Longworth House Office Building
Washington, DC 20515

Dear Congressman Michaud:

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Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

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Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable George Miller
U.S. House of Representatives
2205 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Miller:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

It is true that in-flight technology has been transformed over the past several years, and that passenger use of mobile devices could provide access to a wide range of in-flight communications applications, including text, e-mail, and data applications. It is also true that current technology offers airlines the flexibility to deploy a system that can allow data only.

The FCC's December *NPRM* represented the beginning of a process to consider whether and how we should revise our rules to account for new technology and to improve consumers' access to mobile wireless services onboard aircraft. As a first step in that process, we are collecting information and soliciting the views of consumers and other stakeholders on an array of questions that will assist us in determining if any modifications to our rules would serve the public interest. However, even if the record leads the Commission to update our rules, it will be the airlines' decision, in consultation with their customers and subject to applicable Department of Transportation (DoT) and Federal Aviation Administration (FAA) rules, whether or not to permit the use of data, text and/or voice services while airborne.

There are several key aspects to the Commission's proposal. First, we propose to harmonize our rules by expanding the current restriction on in-flight use of cellphones operating in the 800 MHz band to cover all mobile communications services in all mobile wireless bands. That the current rules do not apply to phones operating in other cellular frequencies represents a regulatory inconsistency that is poor policy.

Second, we propose to modernize our rules by permitting airlines using FAA-certified airborne access systems to decide, consistent with DoT and FAA rules, whether and how to make in-flight mobile wireless services available to their customers. As the expert agency on communications, it is the FCC's role to examine continuously our rules in light of such technology developments and to eliminate unnecessary or outdated regulations where

appropriate. The principal reason the Commission adopted its existing rule was out of a concern that such use onboard an aircraft could interfere with a terrestrial network on the ground. Today, new airborne access systems, which have been in use for a number of years by airlines in other countries, capably manage the mobile device's signal so that it does not cause interference to cell phone networks on the ground.

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OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Patrick Murphy
U.S. House of Representatives
1517 Longworth House Office Building
Washington, DC 20515

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Rick Nolan
U.S. House of Representatives
2447 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Nolan:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Charles Rangel
U.S. House of Representatives
2354 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Rangel:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Lucille Roybal-Allard
U.S. House of Representatives
2330 Rayburn House Office Building
Washington, DC 20515

Dear Congresswoman Roybal-Allard:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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If the Commission determines that airborne mobile use is possible without negative effects to cellular networks, the *airlines*, under the FCC's proposal, would have the ultimate say as to whether and how to provide service using cellular airborne access systems, subject to applicable DoT and FAA rules. In fact nothing in this proposal would limit the ability of airlines to ban voice conversations in-flight. For example, an airline could choose to not offer voice service at all and to only provide data communications so that passengers can experience the kind of data-focused activities that you mention: surf the Web, send and receive text messages and email, or access social media to stay connected to friends and family.

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Congress can also address whether in-flight voice calls should be banned. Two bills have been introduced, H.R 3676 and S.1811, that would ban voice calls on flights. H.R 3676 has been reported out of the House Committee on Transportation and Infrastructure. The Commission is ready to offer technical assistance on these bills and any other similar legislation.

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Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

Sincerely,



Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable C.A. Dutch Ruppertsberger
U.S. House of Representatives
2416 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Ruppertsberger:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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The FCC's December *NPRM* represented the beginning of a process to consider whether and how we should revise our rules to account for new technology and to improve consumers' access to mobile wireless services onboard aircraft. As a first step in that process, we are collecting information and soliciting the views of consumers and other stakeholders on an array of questions that will assist us in determining if any modifications to our rules would serve the public interest. However, even if the record leads the Commission to update our rules, it will be the airlines' decision, in consultation with their customers and subject to applicable Department of Transportation (DoT) and Federal Aviation Administration (FAA) rules, whether or not to permit the use of data, text and/or voice services while airborne.

There are several key aspects to the Commission's proposal. First, we propose to harmonize our rules by expanding the current restriction on in-flight use of cellphones operating in the 800 MHz band to cover all mobile communications services in all mobile wireless bands. That the current rules do not apply to phones operating in other cellular frequencies represents a regulatory inconsistency that is poor policy.

Second, we propose to modernize our rules by permitting airlines using FAA-certified airborne access systems to decide, consistent with DoT and FAA rules, whether and how to make in-flight mobile wireless services available to their customers. As the expert agency on communications, it is the FCC's role to examine continuously our rules in light of such technology developments and to eliminate unnecessary or outdated regulations where

appropriate. The principal reason the Commission adopted its existing rule was out of a concern that such use onboard an aircraft could interfere with a terrestrial network on the ground. Today, new airborne access systems, which have been in use for a number of years by airlines in other countries, capably manage the mobile device's signal so that it does not cause interference to cell phone networks on the ground.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Jan Schakowsky
U.S. House of Representatives
2367 Rayburn House Office Building
Washington, DC 20515

Dear Congresswoman Schakowsky:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Aaron Schock
U.S. House of Representatives
328 Cannon House Office Building
Washington, DC 20515

Dear Congressman Schock:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Allyson Schwartz
U.S. House of Representatives
1227 Longworth House Office Building
Washington, DC 20515

Dear Congresswoman Schwartz:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Carol Shea-Porter
U.S. House of Representatives
1530 Longworth House Office Building
Washington, DC 20515

Dear Congresswoman Shea-Porter:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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appropriate. The principal reason the Commission adopted its existing rule was out of a concern that such use onboard an aircraft could interfere with a terrestrial network on the ground. Today, new airborne access systems, which have been in use for a number of years by airlines in other countries, capably manage the mobile device's signal so that it does not cause interference to cell phone networks on the ground.

In light of these recent technological advances, the Commission is obligated to examine whether our existing restrictions on airborne use remain necessary to prevent harmful interference to mobile networks on the ground. Accordingly, the Commission is seeking comment on whether such airborne access systems can be used by airlines to effectively manage mobile broadband-capable devices operating on U.S. cellular bands. This proposal would replace current restrictions – which affect some, but not all, mobile bands – with a consistent regulatory framework that explicitly prohibits airborne use of cellular services in all frequency bands unless an aircraft is equipped with an airborne access system and is complying with all applicable DoT and FAA requirements.

Consistent with the views expressed in your letter, initial public response to the *NPRM* largely has focused on the possibility that modernizing our rules would open the door to allow passengers to make voice calls during flight. Many are concerned that adoption of this proposal would result in a less-enjoyable travel experience caused by other passengers engaging in unreasonably loud phone conversations during flight. These are not unreasonable concerns. As a frequent airline passenger, I would prefer that voice calls not be made on planes. However, it is the responsibility of the Commission to ensure, to the greatest degree we can, that our rules are based on sound *technological* judgments.

If the Commission determines that airborne mobile use is possible without negative effects to cellular networks, the *airlines*, under the FCC's proposal, would have the ultimate say as to whether and how to provide service using cellular airborne access systems, subject to applicable DoT and FAA rules. In fact nothing in this proposal would limit the ability of airlines to ban voice conversations in-flight. For example, an airline could choose to not offer voice service at all and to only provide data communications so that passengers can experience the kind of data-focused activities that you mention: surf the Web, send and receive text messages and email, or access social media to stay connected to friends and family.

Moreover, issues regarding passenger impact are more appropriately resolved by the DOT's Office of the Secretary (OST), which oversees aviation consumer protection issues, and the FAA, which has authority over safety issues. In this regard, OST recently issued an Advance Notice of Proposed Rulemaking (ANPRM) to examine the issue of air passengers' airborne use of mobile wireless devices for voice calls. The ANPRM seeks comment on whether allowing in-flight voice communications is unfair to consumers and, if so, whether such use should be banned or restricted. I am fully supportive of that examination.

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Congress can also address whether in-flight voice calls should be banned. Two bills have been introduced, H.R 3676 and S.1811, that would ban voice calls on flights. H.R 3676 has been reported out of the House Committee on Transportation and Infrastructure. The Commission is ready to offer technical assistance on these bills and any other similar legislation.

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Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

Sincerely,



Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Albio Sires
U.S. House of Representatives
2342 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Sires:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

It is true that in-flight technology has been transformed over the past several years, and that passenger use of mobile devices could provide access to a wide range of in-flight communications applications, including text, e-mail, and data applications. It is also true that current technology offers airlines the flexibility to deploy a system that can allow data only.

The FCC's December *NPRM* represented the beginning of a process to consider whether and how we should revise our rules to account for new technology and to improve consumers' access to mobile wireless services onboard aircraft. As a first step in that process, we are collecting information and soliciting the views of consumers and other stakeholders on an array of questions that will assist us in determining if any modifications to our rules would serve the public interest. However, even if the record leads the Commission to update our rules, it will be the airlines' decision, in consultation with their customers and subject to applicable Department of Transportation (DoT) and Federal Aviation Administration (FAA) rules, whether or not to permit the use of data, text and/or voice services while airborne.

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Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Adam Smith
U.S. House of Representatives
2264 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Smith:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

Sincerely,



Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Jackie Speier
U.S. House of Representatives
211 Cannon House Office Building
Washington, DC 20515

Dear Congressman Speier:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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appropriate. The principal reason the Commission adopted its existing rule was out of a concern that such use onboard an aircraft could interfere with a terrestrial network on the ground. Today, new airborne access systems, which have been in use for a number of years by airlines in other countries, capably manage the mobile device's signal so that it does not cause interference to cell phone networks on the ground.

In light of these recent technological advances, the Commission is obligated to examine whether our existing restrictions on airborne use remain necessary to prevent harmful interference to mobile networks on the ground. Accordingly, the Commission is seeking comment on whether such airborne access systems can be used by airlines to effectively manage mobile broadband-capable devices operating on U.S. cellular bands. This proposal would replace current restrictions – which affect some, but not all, mobile bands – with a consistent regulatory framework that explicitly prohibits airborne use of cellular services in all frequency bands unless an aircraft is equipped with an airborne access system and is complying with all applicable DoT and FAA requirements.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Eric Swalwell
U.S. House of Representatives
501 Cannon House Office Building
Washington, DC 20515

Dear Congressman Swalwell:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Mark Takano
U.S. House of Representatives
1507 Longworth House Office Building
Washington, DC 20515

Dear Congressman Takano:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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The FCC's December *NPRM* represented the beginning of a process to consider whether and how we should revise our rules to account for new technology and to improve consumers' access to mobile wireless services onboard aircraft. As a first step in that process, we are collecting information and soliciting the views of consumers and other stakeholders on an array of questions that will assist us in determining if any modifications to our rules would serve the public interest. However, even if the record leads the Commission to update our rules, it will be the airlines' decision, in consultation with their customers and subject to applicable Department of Transportation (DoT) and Federal Aviation Administration (FAA) rules, whether or not to permit the use of data, text and/or voice services while airborne.

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Second, we propose to modernize our rules by permitting airlines using FAA-certified airborne access systems to decide, consistent with DoT and FAA rules, whether and how to make in-flight mobile wireless services available to their customers. As the expert agency on communications, it is the FCC's role to examine continuously our rules in light of such technology developments and to eliminate unnecessary or outdated regulations where

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Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

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Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Dina Titus
U.S. House of Representatives
401 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Titus:

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Paul Tonko
U.S. House of Representatives
2463 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Tonko:

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Marc Veasey
U.S. House of Representatives
414 Cannon House Office Building
Washington, DC 20515

Dear Congressman Veasey:

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Sincerely,

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Tom Wheeler

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Peter Visclosky
U.S. House of Representatives
2256 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Visclosky:

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Debbie Wasserman Schultz
U.S. House of Representatives
118 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Wasserman Schultz:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

It is true that in-flight technology has been transformed over the past several years, and that passenger use of mobile devices could provide access to a wide range of in-flight communications applications, including text, e-mail, and data applications. It is also true that current technology offers airlines the flexibility to deploy a system that can allow data only.

The FCC's December *NPRM* represented the beginning of a process to consider whether and how we should revise our rules to account for new technology and to improve consumers' access to mobile wireless services onboard aircraft. As a first step in that process, we are collecting information and soliciting the views of consumers and other stakeholders on an array of questions that will assist us in determining if any modifications to our rules would serve the public interest. However, even if the record leads the Commission to update our rules, it will be the airlines' decision, in consultation with their customers and subject to applicable Department of Transportation (DoT) and Federal Aviation Administration (FAA) rules, whether or not to permit the use of data, text and/or voice services while airborne.

There are several key aspects to the Commission's proposal. First, we propose to harmonize our rules by expanding the current restriction on in-flight use of cellphones operating in the 800 MHz band to cover all mobile communications services in all mobile wireless bands. That the current rules do not apply to phones operating in other cellular frequencies represents a regulatory inconsistency that is poor policy.

Second, we propose to modernize our rules by permitting airlines using FAA-certified airborne access systems to decide, consistent with DoT and FAA rules, whether and how to make in-flight mobile wireless services available to their customers. As the expert agency on communications, it is the FCC's role to examine continuously our rules in light of such technology developments and to eliminate unnecessary or outdated regulations where

appropriate. The principal reason the Commission adopted its existing rule was out of a concern that such use onboard an aircraft could interfere with a terrestrial network on the ground. Today, new airborne access systems, which have been in use for a number of years by airlines in other countries, capably manage the mobile device's signal so that it does not cause interference to cell phone networks on the ground.

In light of these recent technological advances, the Commission is obligated to examine whether our existing restrictions on airborne use remain necessary to prevent harmful interference to mobile networks on the ground. Accordingly, the Commission is seeking comment on whether such airborne access systems can be used by airlines to effectively manage mobile broadband-capable devices operating on U.S. cellular bands. This proposal would replace current restrictions – which affect some, but not all, mobile bands – with a consistent regulatory framework that explicitly prohibits airborne use of cellular services in all frequency bands unless an aircraft is equipped with an airborne access system and is complying with all applicable DoT and FAA requirements.

Consistent with the views expressed in your letter, initial public response to the *NPRM* largely has focused on the possibility that modernizing our rules would open the door to allow passengers to make voice calls during flight. Many are concerned that adoption of this proposal would result in a less-enjoyable travel experience caused by other passengers engaging in unreasonably loud phone conversations during flight. These are not unreasonable concerns. As a frequent airline passenger, I would prefer that voice calls not be made on planes. However, it is the responsibility of the Commission to ensure, to the greatest degree we can, that our rules are based on sound *technological* judgments.

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Moreover, issues regarding passenger impact are more appropriately resolved by the DOT's Office of the Secretary (OST), which oversees aviation consumer protection issues, and the FAA, which has authority over safety issues. In this regard, OST recently issued an Advance Notice of Proposed Rulemaking (ANPRM) to examine the issue of air passengers' airborne use of mobile wireless devices for voice calls. The ANPRM seeks comment on whether allowing in-flight voice communications is unfair to consumers and, if so, whether such use should be banned or restricted. I am fully supportive of that examination.

Additionally, the FAA is actively engaged in this matter to the extent it impacts airline safety or operations. Earlier this year the FAA released a Congressionally-mandated report titled *Study on the Use of Cell Phones on Passenger Aircraft* indicating that foreign civil aviation authorities in numerous countries where such technology has already been deployed reported “no documented occurrences of cell phones affecting flight safety on aircraft with on-board cellular telephone base stations.” The study found that “[n]one of the civil aviation authorities reported any cases of air rage or flight attendant interference related to passengers using cell phones on aircraft equipped with on-board cellular telephone base stations.”¹⁰⁷

Congress can also address whether in-flight voice calls should be banned. Two bills have been introduced, H.R. 3676 and S. 1811, that would ban voice calls on flights. H.R. 3676 has been reported out of the House Committee on Transportation and Infrastructure. The Commission is ready to offer technical assistance on these bills and any other similar legislation.

There will be months of public comment and debate on the specific issues raised in the *NPRM* prior to any adoption of final rules. We hope that all interested stakeholders, including the airlines, flight attendants, pilots, the flying public, and others will review our draft proposal closely and engage in our rulemaking process.

Once again, thank you for apprising me of your views on this important matter. Please let me know if there is any additional information about this matter I can provide. We will place your inquiry in the record of this proceeding.

Sincerely,



Tom Wheeler

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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Peter Welch
U.S. House of Representatives
2303 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Welch:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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Moreover, issues regarding passenger impact are more appropriately resolved by the DOT's Office of the Secretary (OST), which oversees aviation consumer protection issues, and the FAA, which has authority over safety issues. In this regard, OST recently issued an Advance Notice of Proposed Rulemaking (ANPRM) to examine the issue of air passengers' airborne use of mobile wireless devices for voice calls. The ANPRM seeks comment on whether allowing in-flight voice communications is unfair to consumers and, if so, whether such use should be banned or restricted. I am fully supportive of that examination.

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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Frederica Wilson
U.S. House of Representatives
208 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Wilson:

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 8, 2014

The Honorable Don Young
U.S. House of Representatives
2314 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Young:

Thank you for contacting me regarding the Commission's proposal to modernize and harmonize its rules governing in-flight wireless services. I welcome your comments on this issue, and appreciate the opportunity to clarify the limited, technology-focused *Notice of Proposed Rulemaking (NPRM)* the Commission approved on December 12, 2013. I also appreciate your support for the Commission's process, and recognition that appropriate actions can be taken to modernize an outdated technological rule and enable in-flight connectivity options that are available elsewhere in the world to be available in the United States.

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